Title 180 WAC

EDUCATION, STATE BOARD OF

Chapters

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Chapter 180-24 WAC
SCHOOL DISTRICT ORGANIZATION

WAC

180-24-00701	Regional committee decision making criteria.
180-24-215	Superintendent of public instruction staff review of regional committee proposals—When.
180-24-220	Action by state board of education—When.

WAC 180-24-00701 Regional committee decision making criteria. (1) The regional committee shall give consideration to all of the following criteria when reviewing the proposed transfer of territory:

(a) Student educational opportunities (see RCW 28A.315.205 (4)(a) for full text);

(b) Safety and welfare of pupils (see RCW 28A.315.205 (4)(b) for full text);

(c) History and relationship of the property affected to the students and communities affected (see RCW 28A.315.-205 (4)(c) for full text);

(d) Geographic accessibility (see RCW 28A.315.205 (4)(d) for full text);

(e) Disparities in per pupil valuation, economies of operation and transportation costs (see RCW 28A.315.205 (4)(e) for full text); and

(f) Other criteria or considerations as may be established in rule by the state board of education. (RCW 28A.315.015 (2)(e).)

(2) Under RCW 28A.315.195(2) the boundaries of the school districts affected by a proposed change in school district organization shall be contiguous to one another.

(3) Under RCW 28A.315.205(4), "geographic accessibility" includes, but is not limited to, consideration of the following factors:

(a) Mountains, hills, valleys, wasteland, and related geographic and man-made features, which either enhance or impede travel.

(b) Rivers, lakes, canals, and other natural or man-made waterways and bodies of water, which either enhance or impede travel.

(c) The extent and nature of roads, highways, ferries, and traffic patterns.

(d) Climatic conditions.

(e) Time required to travel to and from school.

[Statutory Authority: Chapter 28A.315 RCW. 03-23-040, § 180-24-00701, filed 11/12/03, effective 12/13/03. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-00701, filed 12/1/99, effective 1/1/00.]

WAC 180-24-215 Superintendent of public instruction staff review of regional committee proposals—When. Pursuant to RCW 28A.315.205(5), when a decision of a regional committee is appealed to the state board of education, staff of the office of superintendent of public instruction, prior to the appeal hearing, shall be responsible for:

(1) Collecting from the applicable educational service district superintendent the written record of the approved transfer proposal and providing a copy of the written record to the state board of education;

(2) Reviewing the written record and, at the superintendent's discretion, providing to the state board the staff's judgment as to whether the regional committee failed to follow the applicable statutory and regulatory procedures or acted in an arbitrary and capricious manner.

[Statutory Authority: Chapter 28A.315 RCW. 03-23-040, § 180-24-215, filed 11/12/03, effective 12/13/03. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-215, filed 12/1/99, effective 1/1/00.]

WAC 180-24-220 Action by state board of education—When. Pursuant to RCW 28A.315.205(5), the state board of education shall act on a proposed transfer of territory only when there is an appeal to the board of a decision of a regional committee.

[Statutory Authority: Chapter 28A.315 RCW. 03-23-040, § 180-24-220, filed 11/12/03, effective 12/13/03. Statutory Authority: 1999 c 315, partial veto and chapter 28A.315 RCW. 99-24-125, § 180-24-220, filed 12/1/99, effective 1/1/00.]

Chapter 180-38 WAC
PUPILS—IMMUNIZATION REQUIREMENT AND LIFE-THREATENING HEALTH CONDITION

WAC

180-38-065	Repealed.
180-38-080	Prehearing and hearing process.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

180-38-065	Exclusion of students for failure to comply. [Statutory Authority: RCW 28A.31.118. 85-20-040 (Order 20-85), § 180-38-065, filed 9/25/85.] Repealed by 03-13-079, filed 6/16/03, effective 7/17/03. Statutory Authority: RCW 28A.210.160.

WAC 180-38-065 Repealed. See Disposition Table at beginning of this chapter.

WAC 180-38-080 Prehearing and hearing process. (1) If a request for hearing is received by the school district, it shall schedule a hearing. The hearing must be scheduled within three school days of receiving the request. The hearing may be continued to a later date if the parent requests a longer period.

(2) The school district shall establish a hearing process consistent with the procedures set forth for disciplinary cases under chapter 180-40 WAC.

[Statutory Authority: RCW 28A.210.160. 03-13-079, § 180-38-080, filed 6/16/03, effective 7/17/03.]

Chapter 180-50 WAC
COURSES OF STUDY AND EQUIVALENCIES

WAC

180-50-315 Equivalency course of study—Credit for work based learning.

WAC 180-50-315 Equivalency course of study—Credit for work based learning. School districts may accept work based learning in lieu of either required or elective high school credits if such work based learning meets the standards under subsections (1) through (5) of this section. Schools and school districts are strongly encouraged to review the nonbinding work based learning guidelines on the website of the superintendent of public instruction in their consideration of making this credit option available to students.

(1) Definitions:

(a) "Work based learning" means a learning experience that connects knowledge and skills obtained in the classroom to those needed outside the classroom, and comprises a range of activities and instructional strategies designed to assist students in developing or fulfilling their education plans.

(b) "Work based learning agreement" means a contract that specifies the terms and conditions under which the work based learning experience shall occur. It is agreed to and signed by the school district, worksite supervisor, student, and the student's parents/guardians.

(c) "Worksite supervisor" means an adult employee or volunteer of the worksite responsible for overseeing the work based learning experience and acting as liaison between the worksite and school district.

(d) "Orientation" means a meeting conducted by a work based learning coordinator giving information to a worksite supervisor about the work based learning program of the school. The orientation clarifies program objectives, establishes support systems, and delineates the responsibilities and rights of the various parties—school/district, worksite, students, and parents/guardians.

(e) "New employee orientation" means an orientation program for the student facilitated by a worksite supervisor or designee (e.g., human resources) that identifies worksite safety procedures and practices, workers' rights and responsibilities, issues related to harassment, and employer policies, procedures and expectations. The orientation shall also include a description of the formal accident prevention program of the worksite.

(f) "Instructional work based learning" means a work based learning experience in which no appreciable benefit is rendered to the worksite by the presence of the minor student, in accordance with WAC 296-125-043.

(g) "Cooperative work based learning" means a work based learning experience in which an employer/employee relationship exists—the work performed by the student results in a net increase in productivity or profitability for the business or organization.

(2) The work based learning experience shall be connected to the education plan of the student.

(a) The education plan shall involve one or more of the state learning goals and related essential academic learning requirements.

(b) Counseling and guidance services, particularly career guidance, shall be available to students seeking work based learning experience.

(c) The education plan should relate to a specific career and/or educational pathway chosen by the student.

(d) The education plan should extend at least one year beyond high school graduation.

(3) The student shall be placed in a worksite that is appropriate to the previous learning experience and educational goals of the student and shall be formalized through a work based learning agreement and work based learning plan.

(a) The work based learning plan shall articulate the connection between the education plan of the student and the work based learning experience.

(b) The work based learning plan shall articulate clear, measurable learning objectives.

(c) Evaluation of learning progress related to the work based learning plan shall occur during the work based learning experience.

(i) Learning objectives shall be evaluated and updated on a regular basis as outlined in the work based learning agreement.

(ii) Documentation of progress shall be on file in the district as outlined in the work based learning agreement.

(4) The work based learning experience shall be supervised by the school. A work based learning coordinator shall be identified in accordance with WAC 180-77-068 and shall be responsible for:

(a) Aligning the work based learning experience to the education plan of the student;

(b) Identifying and developing work based learning sites, establishing work based learning agreements and work based learning plans, orienting and coordinating with a worksite supervisor on the work based learning site, and assessing and reporting student progress;

(c) Ensuring that a worksite supervisor:

(i) Has received an orientation on the work based learning program of the school prior to placement of the student on the worksite; and

(ii) Has provided the student with a new-employee orientation upon placement; and

(d) Applying legal requirements of the employment of minors in accordance with chapters 296-125 and 296-131 WAC, particularly on issues of occupational health and safety, discrimination, harassment, worker/employer rights and responsibilities, and work rules for minors.

(5) One credit may be granted for no less than one hundred eighty hours for instructional work based learning expe-

rience, and not less than three hundred sixty hours of cooperative work based learning experience, or one credit may be granted on a competency basis as provided under WAC 180-51-050 (1)(b).

(a) A student participating in an instructional work based learning experience shall receive instruction supervised by the school.

(i) Instruction shall be provided by an instructor with a teaching certificate, preferably endorsed in the subject area for which credit will be awarded the student for the work based learning experience.

(ii) The work based learning experience shall be an embedded component of the instructional program appropriate to the subject area for which credit will be awarded the student for the work based learning experience.

(b) A student participating in a cooperative work based learning experience shall be legally employed and shall not be less than sixteen years old.

(i) The cooperative work based learning experience shall be supervised either by a work based learning coordinator or an instructor with a teaching certificate, preferably endorsed in the subject area for which credit will be awarded the student for the work based learning experience;

(ii) The cooperative work based learning experience shall be a direct extension of a course related to the work based learning experience and taken either concurrently with the work based learning experience or taken in a school term prior to the work based learning experience.

(6) The superintendent of public instruction shall report biennially at the state board's fall meeting on the use of the work based learning credit option authorized in this section.

[Statutory Authority: RCW 28A.305.130(8), (9), and 28A.230.100. 03-04-054, § 180-50-315, filed 1/29/03, effective 3/1/03. Statutory Authority: RCW 28A.04.120. 00-19-106, § 180-50-315, filed 9/20/00, effective 10/21/00. Statutory Authority: RCW 28A.04.120 (6) and (8) and 28A.05.060. 85-12-037 (Order 13-85), § 180-50-315, filed 6/3/85. Statutory Authority: RCW 28A.04.120 (6) and (8). 84-21-004 (Order 12-84), § 180-50-315, filed 10/4/84.]

Chapter 180-51 WAC
HIGH SCHOOL GRADUATION REQUIREMENTS

WAC

180-51-063 Certificate of mastery—High school graduation requirement—Effective date.

WAC 180-51-063 Certificate of mastery—High school graduation requirement—Effective date. (1) Pursuant to RCW 28A.655.060 (3)(c):

(a) The certificate of mastery shall be a graduation requirement, but not the only requirement for graduation from high school; and

(b) The state board of education is responsible for determining when the secondary Washington assessment of student learning has been implemented and is sufficiently valid and reliable.

(2)(a) The state board of education establishes the 2007-08 school year as the first year in which graduating high school students shall be required to have attained the state certificate of mastery in order to graduate, in addition to other state and local graduation requirements.

(b) The state board of education fully recognizes that a higher standard of validity and reliability must be applied when the result of the assessment affects the ability of an individual student to receive a high school diploma. Therefore, the state board of education will continue to monitor the high school level Washington assessment of student learning. If the board finds that the assessment is lacking in this higher level of validity or reliability, or both, by the beginning of the 2004-05 school year, the state board may change the effective date of the certificate of mastery, for state graduation purposes, to a later school year.

(c) Beginning the 2007-08 school year, the certificate of mastery shall consist of the subject areas under the student learning goals for which a Washington assessment of student learning secondary assessment has been implemented and declared valid and reliable for graduation purposes. It is expected that the initial certificate of mastery will be comprised of reading, writing, communications, and mathematics.

(d) Beginning the 2009-10 school year, the certificate of mastery shall include science if a Washington assessment of student learning secondary assessment has been implemented and declared valid and reliable for this subject area.

(e) As determined by the state board of education, in consultation with the legislature and the academic achievement and accountability commission, successful completion of the Washington assessment of student learning secondary assessment in social studies may be required to achieve the certificate of mastery or may lead to an endorsement on the high school transcript.

(f) As determined by the state board of education, in consultation with the legislature and the academic achievement and accountability commission, successful completion of the Washington assessment of student learning secondary assessment in arts and health and fitness may lead to an endorsement on the high school transcript.

(g) At such time as the state board of education determines that the high school Washington assessments of student learning are sufficiently reliable and valid and that retake opportunities are available, the transcript shall then include notation that the student has met or exceeded (noting the month and year) or not met the standard on each of the required secondary Washington assessments of student learning and/or earned (noting the month and year) or not earned the state certificate of mastery, or that the particular Washington assessment of student learning was waived or not taken. For purposes of this subsection, "exceeded" shall mean the performance standard on each of the required high school Washington assessments of student learning as determined by the superintendent of public instruction.

(3) Notwithstanding WAC 180-18-055 and 180-51-107, subsection (2) of this section shall not be waived.

(4) The certificate of mastery shall not be a graduation requirement for students who receive home-based instruction under RCW 28A.200.101(3) nor for students attending private schools under RCW 28A.195.010(6).

[Statutory Authority: RCW 28A.230.090. 03-14-118, § 180-51-063, filed 6/30/03, effective 7/31/03; 01-13-113, § 180-51-063, filed 6/20/01, effective 7/21/01; 00-13-039, § 180-51-063, filed 6/14/00, effective 7/15/00; 00-04-047, § 180-51-063, filed 1/27/00, effective 2/27/00.]

Chapter 180-57 WAC

SECONDARY EDUCATION—STANDARDIZED HIGH SCHOOL TRANSCRIPT

WAC

180-57-050 Grade reporting and calculation system.
180-57-055 Definition—Grade point average.
180-57-070 Mandatory high school transcript contents—Items.

WAC 180-57-050 Grade reporting and calculation system. (1) The standardized high school transcript shall report the marks/grades earned by students in courses as follows. It is not required to adopt a marking/grading system that uses pluses or minuses or, if adopted, to report pluses or minuses on standardized transcripts.

(a)	A	=	4.0
(b)	A-	=	3.7
(c)	B+	=	3.3
(d)	B	=	3.0
(e)	B-	=	2.7
(f)	C+	=	2.3
(g)	C	=	2.0
(h)	C-	=	1.7
(i)	D+	=	1.3
(j)	D	=	1.0
(k)	E or F	=	0.0

(2) The minimal passing mark/grade is D = 1.0. Nonnumerical marks/grades such as pass/fail, pass/no pass, credit/no credit, and satisfactory/unsatisfactory marks also may be used. A mark/grade of "W" shall be used to indicate a withdrawal from a course.

(3) If high school credit is awarded on a competency basis as authorized under state board of education policy WAC 180-51-050(2), the district may use either of the following options for noting the students' performance on the state standardized transcript under state board of education policy WAC 180-57-070:

(a) Determine locally the equivalent passing mark/grade as listed under subsection (1) of this section; or

(b) Designate "pass" or "fail" or "no pass" in the appropriate manner on the transcript.

[Statutory Authority: RCW 28A.305.220. 03-04-055, § 180-57-050, filed 1/29/03, effective 3/1/03; 01-24-093, § 180-57-050, filed 12/4/01, effective 1/4/02. Statutory Authority: RCW 28A.04.155. 88-13-026 (Order 15-88), § 180-57-050, filed 6/7/88; 85-01-017 (Order 18-84), § 180-57-050, filed 12/10/84.]

WAC 180-57-055 Definition—Grade point average. (1) Each student's "grade point average" shall be the sum of the point values, as defined in WAC 180-57-050, of all the marks/grades received for all courses attempted, divided by the sum of the credits for all courses attempted.

(2) The grade point value shall be rounded by multiplying the numerical value of the mark/grade earned by the number of credits assigned to the course.

(3) Grade point averages shall be rounded to the third decimal place and reported for each trimester/semester or other term and for the cumulative credits earned for all courses attempted in high school.

(4) All marks/grades for all courses taken shall be included in the calculation of grade point averages except for:

(a) Nonnumerical marks/grades shall be excluded from the calculation of grade point averages; and

(b) Only the highest mark/grade earned for a class/course taken more than once to improve a mark/grade shall be included in the calculation of grade point averages.

This exception shall not apply to recurring courses. Recurring courses are not considered repeated courses taken for the purpose of improving a mark/grade. Recurring courses are those taken by a student to further develop their understanding and skills in the subject (e.g., journalism, advanced art or drama, concert band, etc.), or is taken by the student more than once to satisfy different credit requirements (e.g., advanced drama taken three times to meet an elective requirement, an art requirement, and the occupational education requirement).

(c) Credits attempted for courses taken more than once to improve a grade/mark may count only once toward the number of credits required for graduation.

(d) Credits attempted for courses taken more than once to improve a grade may count toward the number of credits required for graduation on the condition that the letter grades earned for all attempts are included in the calculation of the student's grade point average. Districts and schools shall not convert letter grades to nonnumerical grades/marks for the purpose of this subsection.

[Statutory Authority: RCW 28A.305.220. 03-04-055, § 180-57-055, filed 1/29/03, effective 3/1/03; 01-24-093, § 180-57-055, filed 12/4/01, effective 1/4/02. Statutory Authority: RCW 28A.04.155. 85-01-017 (Order 18-84), § 180-57-055, filed 12/10/84.]

WAC 180-57-070 Mandatory high school transcript contents—Items. The standardized high school transcript shall contain only the following information in order to meet the statutory requirement under RCW 28A.305.220 for a statewide standardized transcript. Any other information the district or school may desire to include may be stapled to the transcript or otherwise provided with the transcript. Information that is not listed below shall not be included on the state standardized transcript:

(1) The student's legal name (last name, first name, and middle name(s) or middle initial(s)), and other or former names used;

(2) The name(s) of parent(s) or guardian(s);

(3) The student's birthdate;

(4) The student's school district identification number (if applicable);

(5) The school name, address, phone number, and name of the school district issuing the transcript;

(6) A list of previous schools attended where credit was attempted (school name, city, state, and month and year of entrance and exit);

(7) The student's academic history for all high school level courses attempted, including courses taken under RCW 28A.230.090(4) and including those courses where a student has withdrawn, and listed by major reporting period for the grade level (month and year), course code and description, marks/grades earned as defined in WAC 180-57-050 (a mark/grade of "W" will be used to indicate a withdrawal from a course), credits earned as defined in WAC 180-57-040, credits attempted as defined in WAC 180-57-040, and grade point average as defined in WAC 180-57-055. Credits

attempted for courses taken more than once to improve a grade/mark may count only once toward the number of credits required for graduation. Credits attempted for courses taken more than once to improve a grade may count toward the number of credits required for graduation on the condition that the letter grades earned for all attempts are included in the calculation of the student's grade point average. Districts and schools shall not convert letter grades to nonnumerical grades/marks for the purpose of this subsection. The transcript shall include a term and cumulative summary of the student's high school level academic history;

(8) The transcript shall include notation that the high school + education plan requirement was completed (noting month and year) or not completed by the student;

(9) The transcript shall include notation that the culminating project requirement was completed (noting month and year) or not completed by the student;

(10) The following courses, for which college credit can be earned, shall be designated on the transcript with the designation coding indicated. Courses completed and credits earned through running start shall be noted with an "RS" designation. Courses completed and credits earned through advanced placement shall be noted with an "AP" designation. Courses completed and credits earned through college in the high school shall be noted with a "CHS" designation. Courses completed and credits earned through an international baccalaureate program shall be noted with an "IB" designation. Courses completed which earn college credit through tech-prep and/or the corresponding credits or certification earned shall be noted with a "TP" designation. Courses that meet or satisfy higher education coordinating board core course requirements shall be noted with a "HC" designation;

(11)(a) At such time as the state board of education determines that the high school Washington assessments of student learning are sufficiently reliable and valid and that retake opportunities are available, the transcript shall then include notation that the student has met or exceeded (noting the month and year) or not met the standard on each of the required secondary Washington assessments of student learning and/or earned (noting the month and year) or not earned the state certificate of mastery, or that the particular Washington assessment of student learning was waived or not taken;

(b) For purposes of this subsection, "exceeded" shall mean the performance standard on each of the required high school Washington assessments of student learning as determined by the superintendent of public instruction;

(12) Each issuance of the transcript shall include a report date, version number, and page number ('x' of 'y'); and

(13) The signature of the authorized school official (name, title, and date) and seal of the district, if available.

(14) Subsections (8) and (9) of this section shall take effect for students who begin ninth grade in fall 2004.

[Statutory Authority: RCW 28A.305.220. 03-04-055, § 180-57-070, filed 1/29/03, effective 3/1/03; 01-09-013, § 180-57-070, filed 4/6/01, effective 5/7/01. Statutory Authority: RCW 28A.04.155. 00-19-107, § 180-57-070, filed 9/20/00, effective 10/21/00; 85-01-017 (Order 18-84), § 180-57-070, filed 12/10/84.]

Chapter 180-77 WAC

STANDARDS FOR CAREER AND TECHNICAL EDUCATION CERTIFICATION

WAC

180-77-014 Requirements for limited certification.
180-77-068 Requirements for coordinator of work-based learning initial or continuing certificates.

WAC 180-77-014 Requirements for limited certification. (1) Probationary certificate. The probationary certificate is valid for two years and is renewable one time for two additional years upon recommendation of the employing district if the individual has completed the procedures outlined for the first year in the professional growth plan and has made additional progress in meeting the requirements for the initial career and technical education certificate.

The candidate for a probationary certificate must have substantially completed requirements for the initial career and technical education certificate as set forth in WAC 180-77-031 or 180-77-041.

(a) Such a certificate may be issued upon recommendation by the employing school district.

(b) The candidate shall have developed a professional growth plan in cooperation with the career and technical education administrator. The plan must be approved by the local school district career and technical education program advisory committee, to which the candidate is assigned. The plan shall provide for orientation, prior to the commencement of the teaching assignment, in the following:

(i) Issues related to legal liability;

(ii) The responsibilities of professional career and technical education educators; and

(iii) The lines of authority in the employing school district and/or building.

Within the first sixty working days, the plan shall establish procedures for the career and technical education instructor to develop competencies in the following:

(iv) Career and technical education methods; and

(v) General and specific safety.

If the candidate does not have access to the required course work within the first ninety working days, the local school district career and technical education advisory committee responsible may authorize the completion of the course work at a later date. The required course work shall be completed prior to the second year of employment.

(vi) The plan shall develop procedures and timelines for the career and technical education instructor to meet the requirements for the initial career and technical education certificate.

(vii) Provided, That candidates for probationary certificates as a coordinator of work-based learning shall successfully demonstrate competencies related to coordination techniques as verified by a state board of education approved program and hold a valid probationary career and technical education teacher certificate.

(2) Conditional career and technical education certificate. Notwithstanding other requirements prescribed in this chapter for eligibility for career and technical education certification in the state of Washington, the one-year conditional career and technical education certificate may be issued

under specific circumstances set forth below for limited service:

(a) The issuance of the conditional career and technical education certificate may be issued only under unique and special circumstances where no regularly certificated career and technical education instructor is available and is limited to:

(i) Persons highly qualified and experienced in the knowledge and occupational skills of the career and technical education program to be certified; or

(ii) Persons who meet the occupational experience requirements for career and technical education certification; or

(iii) Persons who will be employed in new and emerging occupations as identified by the state board of education and/or its designee.

(b) The certificate is issued to individuals who are screened by the local career and technical education administrator and school district superintendent or designee. The local career and technical education administrator or superintendent will verify that the following criteria have been met when requesting the conditional career and technical education certificate:

(i) No person with career and technical education certification in the field is available as verified by the local career and technical education administrator or superintendent;

(ii) The individual is being certified for a limited assignment and responsibility in a specified career and technical education program area;

(iii) Personnel so certificated will be oriented and prepared for the specific assignment and will be apprised of any legal liability, the lines of authority and the duration of the assignment;

(iv) The career and technical education administrator and local program advisory committee will indicate the basis on which he/she has determined that the individual is competent for the assignment;

(v) A written work and/or educational experience training plan as specified in WAC 180-77-014 (1)(b) is on file with the employing district.

(c) The certificate is valid for one year and only for the teaching area specified on the certificate. The certificate may be reissued on application and evidence that requirements continue to be met.

(3) Substitute career and technical education certificates. Substitute career and technical education certificates may be issued to candidates who meet the requirements in WAC 180-79A-231 (2) or (4).

[Statutory Authority: RCW 28A.410.010. 03-23-038, § 180-77-014, filed 11/12/03, effective 12/13/03. Statutory Authority: RCW 28A.410.010 and 28A.305.130 (1) through (4). 02-04-018, § 180-77-014, filed 1/24/02, effective 2/24/02. Statutory Authority: RCW 28A.305.130 (1) and (2), 28A.410.010. 00-18-064, § 180-77-014, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 28A.410.010. 98-01-026, § 180-77-014, filed 12/8/97, effective 1/8/98; 95-12-056, § 180-77-014, filed 6/2/95, effective 7/3/95.]

WAC 180-77-068 Requirements for coordinator of work-based learning initial or continuing certificates. To obtain a coordinator of work-based learning certificate, a candidate must:

(1) Possess a valid initial or continuing career and technical education teaching certificate; and

(2) Successfully demonstrate competencies related to coordination techniques as verified by a state board of education approved program.

[Statutory Authority: RCW 28A.410.010 and 28A.305.130 (1) through (4). 03-14-119, § 180-77-068, filed 6/30/03, effective 7/31/03; 02-04-018, § 180-77-068, filed 1/24/02, effective 2/24/02. Statutory Authority: RCW 28A.410.010. 95-12-056, § 180-77-068, filed 6/2/95, effective 7/3/95.]

Chapter 180-78A WAC

APPROVAL STANDARDS FOR PERFORMANCE-BASED PREPARATION PROGRAMS FOR TEACHERS, ADMINISTRATORS, AND EDUCATIONAL STAFF ASSOCIATES

WAC

180-78A-250	Approval standard—Professional education advisory board.
180-78A-264	Approval standard—Program design.
180-78A-505	Overview—Teacher professional certificate program.
180-78A-535	Approval standard—Program design.
180-78A-700	First peoples' language/culture certification pilot program—Findings, purposes and intent—Definitions—Pilot program established—Tribal eligibility to participate—Pilot program requirements—Assignment of teachers—Reports.

WAC 180-78A-250 Approval standard—Professional education advisory board. Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program approval standards of WAC 180-78A-220(1):

(1) The professional education advisory board has been established in accordance with WAC 180-78A-209.

(2) The professional education advisory board has adopted operating procedures and has met at least four times a year.

(3) The professional education advisory board has reviewed all program approval standards at least once every five years.

(4) The professional education advisory board annually has reviewed follow-up studies, placement records, and summaries of performance on the pedagogy assessment for teacher candidates.

(5) The professional education advisory board has made recommendations when appropriate for program changes to the institution which must in turn consider and respond to the recommendations in writing in a timely fashion.

(6) The professional education advisory board annually has seen, reviewed and approved an executive summary of the activities of the professional education advisory board. The college or university has submitted the approved executive summary to the state board of education.

(7) The professional education advisory board for administrator preparation programs participated in the candidate selection process for principal preparation programs.

[Statutory Authority: RCW 28A.410.010. 03-19-020, § 180-78A-250, filed 9/5/03, effective 10/6/03. Statutory Authority: RCW 28A.305.130 and 28A.410.010. 02-18-037, § 180-78A-250, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 28A.305.130 (1) through (4). 01-13-106, § 180-78A-250, filed 6/20/01, effective 7/21/01. Statutory Authority: RCW

28A.305.130 (1) and (2), 28A.410.010 and 28A.150.220(4). 99-01-174, § 180-78A-250, filed 12/23/98, effective 1/23/99.]

WAC 180-78A-264 Approval standard—Program design. Building on the mission to prepare educators who demonstrate a positive impact on student learning, the following evidence shall be evaluated to determine whether each preparation program is in compliance with the program design standard of WAC 180-78A-220(4):

(1) The conceptual framework establishes the shared vision for the unit's efforts in preparing educators to work effectively in P-12 schools. It provides the basis for coherence among curriculum, instruction, field experiences, clinical practice, assessment, and evaluation. The conceptual framework is based on current research and best practice, is cohesive and integrated, supports the state's student learning goals and for teacher preparation programs, and reflects the essential academic learning requirements. The conceptual framework reflects the unit's commitment to preparing candidates to support learning for all students and the unit's commitment to preparing candidates who are able to use educational technology to help all students learn.

(2) Candidates who demonstrate potential for acquiring the content and pedagogical knowledge and skills for success as educators in schools are recruited, admitted, and retained (see WAC 180-78A-200 Candidate admission policies). These candidates include members from under represented groups.

(3) Programs shall assure that candidates are provided with opportunities to learn the pedagogical and professional knowledge and skills required for the particular certificate, and for teacher preparation programs, the competencies for endorsement areas.

(4) A set of learner expectations for program completion are identified and published.

(5)(a) The unit and its school partners design, implement, and evaluate field experiences and clinical practices so that candidates develop and demonstrate the knowledge and skills necessary to help all students learn. Provided, That candidates for an administrator certificate shall complete an internship pursuant to WAC 180-78A-325, candidates for a school psychologist certificate shall complete an internship pursuant to WAC 180-78A-317, and candidates for a school counselor certificate shall complete an internship pursuant to WAC 180-78A-315.

(b) Field experiences are integrated throughout the preparation program and occur in settings with students representing diverse populations.

(c) Clinical practice is sufficiently extensive and intensive for candidates to demonstrate competence in the professional roles for which they are preparing.

(6) The preparing institution shall assure that candidates are provided with appropriate course work and experiences in teaching methods for each endorsement area. The methods should include:

(a) Instructional strategies.

(b) Curriculum frameworks (essential academic learning requirements).

(c) Assessment strategies, including performance-based measurements of student work.

(d) Unit/lesson planning.

(7) Entry and exit criteria exist for candidates in clinical practice.

(8) Programs reflect ongoing collaboration with P-12 schools.

(9) Candidates for a teacher certificate shall hold/obtain a baccalaureate degree from a regionally accredited college or university pursuant to WAC 180-79A-030(5).

(10)(a) Beginning fall 2003, approved programs shall administer the pedagogy assessment adopted by the state board of education and published by the superintendent of public instruction to all candidates in a residency certificate program.

(b) At such time that the state board of education determines the pedagogy assessment has sufficient credibility evidence (i.e., interrater reliability and validity), successful performance on the pedagogy assessment by the candidate shall be required in order for the institution to verify completion of the state board approved residency teacher preparation program.

[Statutory Authority: RCW 28A.410.010. 03-19-021, § 180-78A-264, filed 9/5/03, effective 10/6/03. Statutory Authority: RCW 28A.305.130 (1) through (4). 02-04-014, § 180-78A-264, filed 1/24/02, effective 2/24/02. Statutory Authority: RCW 28A.410.010, 28A.305.130 (1) and (2). 01-03-153, § 180-78A-264, filed 1/24/01, effective 2/24/01; 99-23-023, § 180-78A-264, filed 11/9/99, effective 12/10/99. Statutory Authority: RCW 28A.305.130 (1) and (2), 28A.410.010 and 28A.150.220(4). 99-01-174, § 180-78A-264, filed 12/23/98, effective 1/23/99.]

WAC 180-78A-505 Overview—Teacher professional certificate program. (1) By September 1, 2001, all colleges and universities offering a professional certificate program must be in compliance with the new program standards.

(2) To obtain a professional certificate, the residency teacher will need to complete a state board of education approved professional certificate program collaboratively developed by a college/university and the professional educational advisory board (PEAB).

(3)(a) Prior to full admission to a professional certificate program, excluding the preassessment seminar, the candidate shall complete provisional status with a school district under RCW 28A.405.220, or the equivalent with a state board-approved private school or state agency providing educational services for students.

(b) The candidate may be fully admitted to the professional certificate program, prior to completion of provisional status, if the candidate provides to the program a letter from the candidate's employing school district, private school, or state agency providing educational services for students, documenting the employer's support for the candidate's full admission to the professional certificate program.

(4) The professional certificate requires successful demonstration of three standards (effective teaching, professional development, and leadership) and 17 criteria, pursuant to WAC 180-78A-540, related to these standards. Wherever appropriate, the residency teacher will need to provide evidence that his/her teaching has had a positive impact on student learning as defined in WAC 180-78A-010(8).

(5)(a) The candidate and college or university shall develop an individual professional growth plan to be reviewed and agreed upon after input from and consultation and collaboration (WAC 180-78A-010(9)) with his/her professional growth team.

(b) The individual professional growth plan will be based on an analysis of the student/learning context in that teacher's assignment and a preassessment of that teacher's ability to demonstrate the standards and criteria set forth in WAC 180-78A-540.

(c) The individual professional growth plan shall include instruction and assistance components for each residency teacher. The instruction and assistance components will be designed to give the residency teacher the necessary knowledge and skills needed to demonstrate successfully the standards and criteria set forth in WAC 180-78A-540.

(6) The final component of the program will be a culminating assessment seminar in which the residency teacher's ability to demonstrate the standards and criteria cited above will be evaluated. These assessments shall include multiple forms of data collected over time, including evidence of positive impact on student learning, where appropriate.

(7) As part of the program development, the college/university and the PEAB shall establish criteria and procedures for determining when the residency teacher has successfully completed the program. When the program administrator has verified to the superintendent of public instruction that the candidate has completed the approved program, the state will issue the residency teacher a professional certificate.

[Statutory Authority: RCW 28A.210.160. 03-23-037, § 180-78A-505, filed 11/12/03, effective 12/13/03. Statutory Authority: RCW 28A.410.010. 03-04-025, § 180-78A-505, filed 1/27/03, effective 2/27/03. Statutory Authority: RCW 28A.305.130 and 28A.410.010. 02-18-037, § 180-78A-505, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 28A.410.010. 02-14-111, § 180-78A-505, filed 7/2/02, effective 8/2/02. Statutory Authority: RCW 28A.410.010 and 28A.305.130 (1) and (2). 00-03-049, § 180-78A-505, filed 1/14/00, effective 2/14/00. Statutory Authority: RCW 28A.305.130 (1) and (2), 28A.410.010 and 28A.150.220(4). 99-01-174, § 180-78A-505, filed 12/23/98, effective 1/23/99.]

WAC 180-78A-535 Approval standard—Program design. The following requirements shall govern the design of the professional certificate program:

(1) **Teacher.**

(a) To be eligible to apply for admission to a professional certificate program, a candidate shall hold a contract as a teacher in a public or a state board of education approved private school or state agency providing educational services for students and shall have completed provisional status with a school district under RCW 28A.405.220 or the equivalent with a state board of education-approved private school or state agency providing educational services for students or the candidate provides to the program a letter from the candidate's employing district, state board of education-approved private school, or state agency providing educational services for students, documenting the employer's support for the candidate's full admission to the professional certificate program: Provided, That a candidate for the professional teacher's certificate may enroll in and complete the preassessment seminar described in subsection (4)(a) of this section prior to admission to a professional certificate program.

(b) The professional certificate program must be available to all qualified candidates.

(c) Using the set of common performance indicators as approved by the state board of education and published by the office of the superintendent of public instruction, which may not be changed without prior state board approval, the professional certificate program shall be developed by a college or university and its professional education advisory board. Additional agencies may participate in the development of the program if the college or university and professional education advisory board so choose.

(d) Each program shall consist of:

(i) A preassessment seminar which considers input from the candidate's "professional growth team" (WAC 180-78A-505), the candidate's past experience, the context in which he/she teaches, information from past annual evaluations if the individual chooses, the candidate's personal and professional goals, his/her self-evaluation, and evidences of the candidate's impact on student learning.

The seminar will culminate in preparation and approval of the candidate's individual professional growth plan designed to provide the candidate with the knowledge and skills needed to demonstrate successfully the standards and criteria required by WAC 180-78A-540.

A representative of the college/university and the candidate shall develop the professional growth plan to be reviewed and agreed upon after input from and consultation and "collaboration" (WAC 180-78A-010(9)) with his/her "professional growth team" (WAC 180-78A-010(10)).

The individual professional growth plan shall be based on:

(A) An analysis of the instructional context and teaching assignment(s) to determine strategies which the teacher should use to achieve a positive impact on student learning.

(B) An assessment of the candidate's ability to demonstrate successfully the professional certificate standards and criteria.

(C) Specifications of assistance and instructional components needed and any required course work.

(ii) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required statewide as essential to "effective teaching" as defined in WAC 180-78A-540(1).

(iii) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required statewide as essential to "professional development" as defined in WAC 180-78A-540(2).

(iv) Course work, past and current experience, inservice, continuing education and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill and performance on all criteria required statewide as essential to "leadership" as defined in WAC 180-78A-540(3).

(v) A culminating seminar in which the candidate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance; positive impact on student learning; identification of future goals and professional/career interests; and specification of areas for continuing education and development. The candidate must provide multiple forms of evidence which shall include, but are not limited to, the set of common performance indicators as approved by the state board of education and published by

the office of the superintendent of public instruction, which may not be changed without prior state board approval.

(vi) Candidates who do not successfully complete a culminating seminar shall receive an individualized analysis of strengths and weaknesses and a plan for appropriate assistance and instruction.

(vii) No limits shall be placed on the number of times a candidate with a valid residency certificate may participate in the culminating seminar.

(2) **Principal/program administrator.**

(a) To be eligible to apply for admission to a professional certificate program, a candidate shall hold a contract as an administrator for which the credential is required in a public school or state board of education approved private school.

(b) The professional certificate program must be available to all qualified candidates.

(c) Using the six knowledge and skills standards, and the standards-based benchmarks as approved by the state board of education and published by the office of the superintendent of public instruction, which may not be changed without state board approval, the professional certificate program shall be developed by a college or university and its professional education advisory board. Additional agencies may participate in the development of the program if the college or university and professional education advisory board so choose.

(d) Each program shall consist of:

(i) A preassessment seminar during which the professional growth plan shall be developed. The plan will be agreed upon after input from and consultation with his/her professional growth team (WAC 180-78A-010 (10)(b)). The individual professional growth plan shall be based on an assessment of the candidate's ability to demonstrate six standards at the professional certificate benchmark level (WAC 180-78A-270 (2)(b)), performance evaluation data, and an analysis of the administrative context and assignment.

(ii) Formalized learning opportunities, past and current experience, professional development opportunities, and other activities directed at developing and verifying that the candidate has achieved acceptable knowledge, skill, and performance at the professional certificate benchmark level, or above, on all standards as defined in WAC 180-78A-270 (2)(b).

(iii) A culminating seminar in which the candidate presents his/her final documentation and evidence of professional certificate level knowledge, skill and performance; positive impact on student learning; development of a professional growth plan that includes the identification of future goals and professional/career interests as well as a five-year plan for professional development designed to meet the requirements for certificate renewal.

(e) Candidates who do not successfully complete a culminating seminar shall receive an individualized analysis of strengths and weaknesses and a plan for assistance.

(f) No limit shall be placed on the number of times a candidate with a valid residency certificate may enroll in the culminating seminar.

[Statutory Authority: RCW 28A.210.160. 03-23-037, § 180-78A-535, filed 11/12/03, effective 12/13/03. Statutory Authority: RCW 28A.410.010. 03-04-024, § 180-78A-535, filed 1/27/03, effective 2/27/03. Statutory Authority: RCW 28A.305.130 and 28A.410.010. 02-18-037, § 180-78A-535, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 28A.410.010. 01-09-004, § 180-78A-535, filed 4/5/01, effective 5/6/01. Statutory Authority: RCW 28A.410.010, 28A.305.130 (1) and (2). 00-18-062, § 180-78A-535, filed 9/1/00, effective 10/2/00; 00-03-049, § 180-78A-535, filed 1/14/00, effective 2/14/00. Statutory Authority: RCW 28A.305.130 (1) and (2), 28A.410.010 and 28A.150.220(4). 99-01-174, § 180-78A-535, filed 12/23/98, effective 1/23/99.]

WAC 180-78A-700 First peoples' language/culture certification pilot program—Findings, purposes and intent—Definitions—Pilot program established—Tribal eligibility to participate—Pilot program requirements—Assignment of teachers—Reports. (1) **FINDINGS.** The state board of education endorses the following:

(a) Teaching first peoples' languages can be a critical factor in successful educational experiences and promoting cultural sensitivity for all students. The effect is particularly strong for native American students;

(b) First peoples' languages are falling silent. Despite tribal efforts, first peoples' languages are not fully incorporated into the school systems. This is a loss to the cultural heritage of the affected tribes and to the cultural resources of Washington state;

(c) Recognition of native American languages under RCW 28A.230.090(3) and 28B.80.350(2), as satisfying state or local graduation requirements and minimum college admission requirements, while concentrating on promoting a positive impact on student learning through state policies, is insufficient to meet the educational needs of native American students;

(d) The potential to have a positive impact on student learning is in part dependent on the willingness of the local education agency to collaborate with the sovereign tribal government's language/culture program;

(e) It is within the statutory authority of the state board of education to enhance the learning opportunities for all students by helping prevent the loss of first peoples' languages through assisting the state's sovereign neighbors to sustain, maintain or recover their linguistic heritage, history and culture;

(f) From the Multi-Ethnic Think Tank position statement, June 2001:

(i) "…A culturally inclusive pedagogy will ensure the success of all students, who will develop greater appreciation of other cultures and worldviews;"

(ii) "All students have prior experiences that frame their worldview; learn from childbirth and are lifelong learners; can academically achieve at high levels when they are appropriately taught; and are entitled to learn in a multicultural context;"

(g) Research has shown that students who study another language may benefit in the following ways: Greater academic success in other areas of study, including reading, social studies, and mathematics; a clearer understanding of the English language including function, vocabulary and syntax; and an increase on standardized test scores, especially in verbal areas;

(h) From the Native American Languages Act, Public Law 101-477, Section 102, 1990:

(i) "The traditional languages of Native Americans are an integral part of their cultures and identities and form the basic medium for the transmission, and thus survival, of

Native American cultures, literatures, histories, religions, political institutions, and values;"

(ii) "Languages are the means of communication for the full range of human experiences and are critical to the survival of cultural and political integrity of any people"; and

(i) There are many sovereign tribal nations in the state of Washington and they serve the needs of many groups of first peoples, each possessing unique languages, cultures and worldviews.

(2) **PURPOSES.** The purpose of this section is to establish a pilot program to accomplish the following goals:

(a) To honor the sovereign status of tribal governments in their sole expertise in the transmission of their indigenous languages, heritage, cultural knowledge, customs, traditions and best practices for the training of first peoples' language/culture teachers;

(b) Contribute to a positive impact on student learning by promoting continuous improvement of student achievement of the sovereign tribal government's language/culture learning goals, as established by each sovereign tribal government's language/culture program, and by supporting the goals for multicultural education included in the 2001 position statement developed by the Washington state Multi-Ethnic Think Tank;

(c) Contribute to the preservation, recovery, revitalization, and promotion of first peoples' languages and cultures;

(d) Meaningfully acknowledge that language is inherently integral to native American culture and ways of life;

(e) Implement in a tangible way the spirit of the 1989 Centennial Accord between Washington state and the sovereign tribal governments in the state of Washington.

(f) Provide a mechanism for the state board of education to recognize tribally qualified language/culture teachers as eligible to receive a Washington state first peoples' language/culture teaching certificate; and

(g) Provide the opportunity for native American students to learn first peoples' languages and cultures while at school and provide another avenue for students to learn core curricula through first peoples' worldviews.

(3) **INTENT.** It is the intent of the state board of education to work in collaboration with the sovereign tribal governments of Washington state to establish a Washington state first peoples' language/culture teacher certification program on a pilot basis in order to:

(a) Act in a manner consistent with the policy as specified in the Native American Languages Act, P.L. 101-477 Sec. 104(1) "preserve, protect, and promote the rights and freedom of Native Americans to use, practice, and develop Native American languages";

(b) Act in a manner consistent with Washington state's government-to-government relationship with Washington state sovereign tribal governments and use the Washington state first peoples' language/culture certification pilot programs to model effective government-to-government relationships;

(c) Act in a manner consistent with the goal of the state Basic Education Act under RCW 28A.150.210;

(d) Act in a manner consistent with the following purposes of Public Law 107-110, "No Child Left Behind Act":

(i) "Holding schools, local education agencies, and States accountable for improving the academic achievement of all students, and identifying and turning around low-performing schools that have failed to provide a high-quality education to their students, while providing alternatives to students in such schools to enable the students to receive a high-quality education," [Sec. 1002(4)];

(ii) "Providing children an enriched and accelerated educational program, including the use of schoolwide programs or additional services that increase the amount and quality of instructional time," [Sec. 1002(8)];

(iii) "Promoting schoolwide reform and ensuring the access of children to effective, scientifically based instructional strategies and challenging academic content," [Sec. 1002(9)];

(iv) "…Supporting local education agencies, Indian tribes, organizations, postsecondary institutions and other entities to meet the unique education, culturally related academic needs of American Indian and Alaskan Native Students" [Sec. 7102(a)];

(e) Act on its involvement with and adoption of the 1991 joint policy statement on Indian education:

"K-12 American Indian dropout prevention is a priority of schools. Effective education needs to be implemented throughout the K-12 school system if the American Indian student is to achieve academic and personal success";

(f) Acknowledge that there is a public responsibility to make available to all students in the state of Washington an accurate and balanced study of the American Indian experiences with and contributions to life on this continent;

(g) Act on the following state board beliefs:

(i) In order to meet the needs of all students, highly qualified teachers are required;

(ii) All state board of education policies and activities should meet the needs of the state's diverse student population;

(iii) In order for all students to achieve at high levels, multiple learning styles and needs must be supported; and

(h) Act on the following goals from the state board's 2002-05 work plan:

(i) Professional education and certification requirements are aligned with education reform and support a positive impact on student learning;

(ii) All students shall be provided equitable educational opportunities.

(4) **DEFINITIONS.**

(a) "Positive impact on student learning" shall mean:

(i) The same as under WAC 180-78A-010(8) and 180-16-220 (2)(b); and

(ii)(A) Supporting the goal of basic education under RCW 28A.150.210, "…to provide students with the opportunity to become responsible citizens, to contribute to their own economic well-being and to that of their families and communities, and to enjoy productive and satisfying lives…";

(B) Promoting continuous improvement of student achievement of the state learning goals and the sovereign tribal government's language/culture learning goals as established by each sovereign tribal government's language/culture program;

(C) Recognizing nonacademic student learning and growth related, but not limited, to: Oral traditions, community involvement, leadership, interpersonal relationship

skills, teamwork, self-confidence, resiliency, and strengthened unique cultural identities;

(iii) Developing greater appreciation of other cultures and worldviews;

(b) A "culturally sensitive environment" honors the unique history, culture, values, learning styles, and community of the student. For example, to demonstrate the value of the language and culture, the homeroom teacher participates in the language/culture classroom. A "culturally sensitive environment" also includes those provisions as outlined in the Washington state joint policy on equity in education, revised in May 2000.

(c) For the purpose of this section, "highly qualified teachers" shall mean those teachers who meet the standards of the sovereign tribal government's language/culture program.

(5) **PILOT PROGRAM ESTABLISHED.** A Washington state first peoples' language/culture teacher certification program is established in February 2003 and will continue through the 2005-06 school year. At the end of the 2005-06 school year, the program will be extended, modified or made permanent, as determined by the state board of education in consultation with participating sovereign tribal governments.

(6) **TRIBAL ELIGIBILITY TO PARTICIPATE.** Any sovereign tribal government in the state of Washington shall be eligible to participate individually on a government-to-government basis in the pilot program.

(7) **PROJECT REQUIREMENTS.**

(a) Each sovereign tribal government will appoint and certify individuals who meet the tribe's criteria for certification as instructors in the Washington state first peoples' language/culture pilot program.

(b) Each sovereign tribal government's language/culture project shall submit to the state board of education the following information for each eligible language/culture teacher desiring to participate in the pilot project:

(i) Written documentation that each designated teacher has completed the sovereign tribal government's language/culture teacher certification program;

(ii) Written documentation that each designated teacher has completed the background check required under RCW 28A.410.010 and WAC 180-79A-150 (1) and (2);

(iii) Written documentation that each designated teacher has completed a course on issues of abuse as required by RCW 28A.410.035 and WAC 180-79A-030(6);

(iv) Designation of which language(s), or dialects thereof, shall be listed on the Washington state first peoples' language/culture certificate;

(c) After meeting the requirements of subsection (8)(b) of this section and receiving state board of education approval, the office of the superintendent of public instruction shall issue each teacher a Washington state first peoples' language/culture teaching certificate;

(d) To support a positive impact on student learning, the local education agency in consultation with the sovereign tribal government's language/culture program is strongly encouraged to provide:

(i) A minimum of one contact hour per day, five days a week;

(ii) Access to the same students from year to year, to the extent possible, so that students who receive instruction during the first year of the project can continue to receive instruction throughout the three years of the project;

(iii) A culturally sensitive environment as defined in subsection (4)(b) of this section; or

(iv) Some combination of (d)(i), (ii), and (iii) of this subsection which will allow a positive impact on student learning;

(e) To support a positive impact on student learning, the sovereign tribal government's language/culture program will provide written documentation of how teaching the first peoples' language/culture has supported the promotion of continuous improvement of student achievement of the program learning goals as established by each sovereign tribal government's language/culture program;

(f) To support a greater understanding of the government-to-government relationship, the professional development and certification committee of the state board of education and the professional educator standards board are strongly encouraged to make site visits and attend meetings with the local education agency and the sovereign tribal government's language/culture program;

(g) Nothing in this section shall be interpreted as precluding any eligible tribe in consultation with the state or in consultation with any local education agency from entering into an inter-governmental agreement or compact related to the teaching of first peoples' languages and cultures in order to address unique issues related to individual sovereign tribal governments.

(8) **ASSIGNMENT OF TEACHERS.**

(a) The holder of a Washington state first peoples' language/culture teacher certificate shall be deemed qualified to be a teacher of first peoples' language/culture with the ability to meet individual tribal competency criteria for language/culture, history, and English.

(b) A Washington state first peoples' language/culture teacher certificate qualifies the holder to accept a teaching position in a public school district.

(c) The holder of a Washington state first peoples' language/culture teacher certificate who does not also hold an initial or residency certificate shall be assigned to teach only the language(s)/culture(s) designated on the certificate, and no other subject.

(d) The Washington state first peoples' language/culture teacher certificate is recognized by the state of Washington for as long as the teacher holds a valid language/culture certificate from a participating sovereign tribal government.

(e) A Washington state first peoples' language/culture teacher certificate will serve as the endorsement in first peoples' language/culture for anyone holding an initial or residency certificate.

(9) **REPORTS.**

(a) Annually, for the duration of the pilot program, each participating tribe shall submit a report to the state board of education with documentation of how its particular project is having a positive impact on student learning.

(b) Not later than October 31, 2006, the professional development and certification committee of the state board of education, in consultation with the participating sovereign tribal governments and the professional educator standards board, shall create and submit a report to the state board of education with the following information:

(i) An end of program analysis of the positive impact on student learning of each pilot project;

(ii) An appraisal of the government-to-government relationships established under the program, at both the state and local levels; and

(iii) The report shall include a recommendation on whether to extend, modify or make permanent the Washington state first peoples' language/culture teacher certification pilot program.

[Statutory Authority: RCW 28A.305.130 and 28A.410.010. 03-04-026, § 180-78A-700, filed 1/27/03, effective 2/27/03.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

Chapter 180-79A WAC

STANDARDS FOR TEACHER, ADMINISTRATOR, AND EDUCATIONAL STAFF ASSOCIATE CERTIFICATION

WAC

180-79A-117	Uniform expiration date.
180-79A-127	Renewal of certificate.
180-79A-155	Good moral character and personal fitness—Necessary supporting evidence by applicants.
180-79A-231	Limited certificates.
180-79A-308	Endorsement by examination.

WAC 180-79A-117 Uniform expiration date. (1) All certificates issued for one or more stated years shall expire on June 30 of the stated year and shall be calculated as follows:

(a) Certificates issued prior to June 30 of a calendar year, other than limited certificates issued pursuant to WAC 180-79A-231, shall have the expiration date of the certificate calculated on the basis such certificate was issued on June 30 of the same calendar year regardless of the date of issuance.

(b) Certificates issued July 1 or later in the calendar year, other than limited certificates issued pursuant to WAC 180-79A-231, shall have the expiration date of the certificate calculated on the basis such certificate was issued on June 30 of the next calendar year regardless of the date of issuance.

(c) All valid existing certificates scheduled to expire on August 31 of a given year shall be valid until June 30 of the following year.

(2) An applicant who holds a valid certificate, who submits an application for further certification prior to the expiration date of that certificate, and who meets all the requirements of WAC 180-79A-128, shall be granted a one hundred eighty-day permit as provided in chapter 180-79A WAC.

(3) Any educator who is called up to active duty by one of the U.S. military branches shall be granted an extension of the expiration date of his/her certificate. The extension shall be equal to the length of active duty service calculated to the next uniform expiration date.

[Statutory Authority: RCW 28A.410.010 and 28A.305.130 (1) through (4). 03-14-120, § 180-79A-117, filed 6/30/03, effective 7/31/03; 02-04-018, § 180-79A-117, filed 1/24/02, effective 2/24/02. Statutory Authority: RCW 28A.305.130 (1) and (2), 28A.410.010 and 28A.150.220(4). 99-01-174, § 180-79A-117, filed 12/23/98, effective 1/23/99. Statutory Authority: RCW 28A.410.010. 98-05-024, § 180-79A-117, filed 2/6/98, effective 3/9/98; 97-04-088, § 180-79A-117, filed 2/5/97, effective 3/8/97.]

WAC 180-79A-127 Renewal of certificate. A holder of a certificate subject to expiration may renew such certificate subject to the rules in effect at the time of such renewal, unless otherwise stipulated by the provisions of WAC 180-79A-123.

[Statutory Authority: RCW 28A.010.410. 03-15-121, § 180-79A-127, filed 7/22/03, effective 8/22/03. Statutory Authority: RCW 28A.305.130 (1) and (2), 28A.410.010 and 28A.150.220(4). 99-01-174, § 180-79A-127, filed 12/23/98, effective 1/23/99.]

WAC 180-79A-155 Good moral character and personal fitness—Necessary supporting evidence by applicants. All applicants for certification shall submit the following:

(1) An affidavit from the applicant indicating that he or she has not been convicted of any crime or a complete disclosure of all arrests and subsequent dispositions of such arrests. In the event of a conviction for any arrest, the applicant shall state reasons why such conviction does not reflect adversely on the requirement to possess good moral character and be personally fit.

(2) An affidavit from the applicant that he or she has no history of serious behavioral problems or a complete disclosure of the nature and status of all such problems, including the names and addresses of health practitioners who have treated the applicant within the past ten years and an executed consent form permitting the superintendent of public instruction to contact and consult with such health practitioners and for such health practitioners to fully disclose medical information related to such behavioral problems.

(3) An affidavit from the dean of the college or school of education or one or more officials designated by such dean, or, if none, by the college or university president, where the applicant completed his or her approved preparation program, that indicates that a designated college or university official has contacted several faculty members who personally know or knew the applicant and has no knowledge of any relevant information related to the applicant's character or fitness that would adversely affect the applicant's ability to serve in a certificated role or a statement from such affiant of the reasons why it is not possible to make such an affidavit.

(4) If the affidavit described in subsection (3) of this section is impossible or impractical to obtain, the applicant shall submit to the superintendent of public instruction the following:

(a) A complete employment history, including the names, addresses, and phone numbers of the immediate supervisor of such applicant when an employee; and

(b) The names, addresses, and phone numbers of three character references who are not related to the applicant.

(5) If the applicant holds or has held a certificate in any other state, such applicant shall prepare one of the following affidavits for each such state:

(a) An affidavit that such certificate has not been suspended, surrendered, or revoked. The superintendent of public instruction shall determine the status of certificates held by applicants in any other state to find if such certificates have been suspended, surrendered or revoked.

(b) An affidavit which shall fully disclose the reasons for the suspension, surrender, or revocation of the certificate. Such affidavit shall be submitted directly to the superintendent of public instruction.

[Statutory Authority: RCW 28A.410.010. 03-04-022, § 180-79A-155, filed 1/27/03, effective 2/27/03; 01-09-006, § 180-79A-155, filed 4/5/01, effective 5/6/01. Statutory Authority: RCW 28A.410.010 and 28A.305.130 (1) and (2). 99-23-023, § 180-79A-155, filed 11/9/99, effective 12/10/99. Statutory Authority: RCW 28A.305.130 (1) and (2), 28A.410.010 and 28A.150.220(4). 99-01-174, § 180-79A-155, filed 12/23/98, effective 1/23/99.]

WAC 180-79A-231 Limited certificates. Notwithstanding other requirements prescribed in this chapter for eligibility for certification in the state of Washington, the following certificates shall be issued under specific circumstances set forth below for limited service:

(1) Conditional certificate.

(a) The purpose of the conditional certificate is to assist local school districts, approved private schools, and educational service districts in meeting the state's educational goals by giving them flexibility in hiring decisions based on shortages or the opportunity to secure the services of unusually talented individuals. The state board of education encourages in all cases the hiring of fully certificated individuals and understands that districts will employ individuals with conditional certificates only after careful review of all other options. The state board of education asks districts when reviewing such individuals for employment to consider, in particular, previous experience the individual has had working with children.

(b) Conditional certificates are issued upon application by the local school district, approved private school, or educational service district superintendent to persons who meet the age, good moral character, and personal fitness requirements of WAC 180-79A-150 (1) and (2), if one of the following conditions is verified:

(i) The applicant is highly qualified and experienced in the subject matter to be taught and has unusual distinction or exceptional talent which is able to be demonstrated through public records of accomplishments and/or awards; or

(ii) No person with regular teacher certification in the endorsement area is available as verified by the district or educational service district superintendent or approved private school administrator, or circumstances warrant consideration of issuance of a conditional certificate.

(c) In addition, conditional certificates are issued to persons in the following categories only if no person with regular certification is available:

(i) The applicant qualifies to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020 (2) and (3); or

(ii) The applicant is assigned instructional responsibility for intramural/interscholastic activities which are part of the district or approved private school approved program; or

(iii) The applicant possesses a state of Washington license for a registered nurse: Provided, That the district will be responsible for orienting and preparing individuals for their assignment as described in (e)(iii) of this subsection; or

(iv) The applicant has completed a bachelor's degree or higher from a regionally accredited college/university. All speech-language pathologists or audiologists providing services under a current and valid conditional certificate issued as of June 30, 2003, will be fully qualified consistent with WAC 180-79A-223 by the year 2010. First conditional certificates, issued to speech-language pathologists or audiologists after June 30, 2003, which are valid for up to two years, may be reissued once for up to two years, if the individual provides evidence that he/she is enrolled in and completing satisfactory progress in a master's degree program resulting in the initial ESA school speech-language pathologists or audiologist certificate.

(v) The applicant for a conditional teaching certificate in special education shall hold a bachelor's degree or higher from a regionally accredited college/university.

(vi) The issuance of a conditional certificate to a special education teacher after July 1, 2003, is contingent upon the individual being enrolled in an approved teacher preparation program resulting in a residency teacher certificate endorsed in special education. The conditional certificate is valid for up to two years and may be reissued once for one year upon verification by the college/university that the individual is completing satisfactory progress in the residency teacher certificate program.

(vii) An individual with full certification and endorsed in special education shall be assigned as a mentor to the special education teacher serving on a conditional certificate for the duration of the conditional certificate.

(d) The educational service district or local district superintendent or administrator of an approved private school will verify that the following criteria have been met when requesting the conditional certificate:

(i) The district or educational service district superintendent or approved private school administrator has indicated the basis on which he/she has determined that the individual is competent for the assignment;

(ii) The individual is being certificated for a specific assignment and responsibility in a specified activity/field;

(e) When requesting the conditional certificate for persons who provide classroom instruction, the educational service district superintendent or local district superintendent or approved private school administrator will verify that the following additional criteria will be met:

(i) After specific inclusion on the agenda, the school board or educational service district board has authorized submission of the application.

(ii) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional activities with the direct assistance of a school district or approved private school mentor and will not be serving in a paraprofessional role which would not require certification;

(iii) Personnel so certificated will be oriented and prepared for the specific assignment by the employing district or approved private school. A written plan of assistance will be developed, in cooperation with the person to be employed within twenty working days from the commencement of the assignment. In addition, prior to service the person will be apprised of any legal liability, the responsibilities of a professional educator, the lines of authority, and the duration of the assignment;

(iv) Within the first sixty working days, personnel so certificated will complete sixty clock hours (six quarter hours or four semester hours) of course work in pedagogy and child/adolescent development appropriate to the assigned grade level(s) as approved by the employing school district or approved private school.

(f) The certificate is valid for two years or less, as evidenced by the expiration date which is printed on the certificate, and only for the activity specified. The certificate may be reissued for two years and for two-year intervals thereafter upon application by the employing local school district, approved private school, or educational service district and upon completion of sixty clock hours (six quarter hours or four semester hours) of course work since the issuance of the most recent certificate. The requesting local school district, approved private school, or educational service district shall verify that the sixty clock hours taken for the reissuance of the certificate shall be designed to support the participant's professional growth and enhance the participant's instructional knowledge or skills to better assist students meeting the state learning goals and/or essential academic learning requirements.

(2) Substitute certificate.

(a) The substitute certificate entitles the holder to act as substitute during the absence of the regularly certificated staff member for a period not to exceed thirty consecutive school days during the school year in any one assignment. This certificate may be issued to:

(i) Teachers, educational staff associates or administrators whose state of regular Washington certificates have expired; or

(ii) Persons who have completed state approved preparation programs and baccalaureate degrees at regionally accredited colleges and universities for certificates; or

(iii) Persons applying as out-of-state applicants who qualify for certification pursuant to WAC 180-79A-257 (1)(c) and (d).

(b) The substitute certificate is valid for life.

(3) Emergency certification.

(a) Emergency certification for specific positions may be issued upon the recommendation of school district and educational service district superintendents or approved private school administrators to persons who hold the appropriate degree and have substantially completed a program of preparation in accordance with Washington requirements for certification: Provided, That a qualified person who holds regular certification is not available or that the position is essential and circumstances warrant consideration of issuance of an emergency certificate: Provided further, That a candidate for emergency certification as a school counselor, school psychologist, or social worker shall be the best qualified of the candidates for the position as verified by the employing school district and shall have completed all course work for the required master's degree with the exception of the internship: Provided further, That a candidate for emergency certification as a school psychologist shall be enrolled in an approved school psychologist preparation program and shall be participating in the required internship.

(b) The emergency certificate is valid for one year or less, as evidenced by the expiration date which is printed on the certificate.

(4) Emergency substitute certification.

(a) If the district or approved private school has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes who are willing to serve as substitutes, the superintendent of public instruction may issue emergency substitute certificates to persons not fully qualified under subsection (2) of this section for use in a particular school district or approved private school once the list of otherwise qualified substitutes has been exhausted.

(b) Such emergency substitute certificates shall be valid for three years or less, as evidenced by the expiration date which is printed on the certificate.

(5) Nonimmigrant alien exchange teacher. Applicants for certification as a nonimmigrant alien exchange teacher must qualify pursuant to WAC 180-79A-270 and be eligible to serve as a teacher in the elementary or secondary schools of the country of residence.

(6) Intern substitute teacher certificate.

(a) School districts and approved private schools may request intern substitute teacher certificates for persons enrolled in student teaching/internships to serve as substitute teachers in the absence of the classroom teacher.

(b) The supervising college or university must approve the candidate for the intern substitute teacher certificate.

(c) Such certificated substitutes may be called at the discretion of the school district or approved private school to serve as a substitute teacher only in the classroom(s) to which the individual is assigned as a student teacher/intern.

(d) The intern substitute teacher certificate is valid for one year, or less, as evidenced by the expiration date which is printed on the certificate.

(7) Transitional certificate.

(a) A teacher whose continuing certificate has lapsed according to WAC 180-85-040 may be issued a transitional certificate to be employed on a conditional basis upon request by a school district, approved private school, or educational service district superintendent. The holder of the transitional certificate must complete any continuing certificate reinstatement requirements established by the state board of education within two years of the date the holder was issued the transitional certificate in order to continue to be employed. The transitional certificate expiration date shall not be calculated under state board policy WAC 180-79A-117.

(b) No teacher whose continuing certificate has been suspended or revoked shall be eligible to be employed under this section.

(c) School districts, approved private schools, and educational service districts are strongly encouraged to develop with the holder of a transitional certificate a plan of assistance to be sure the holder completes the necessary continuing certificate reinstatement requirements under WAC 180-85-130 within the two-year conditional employment period specified under (a) of this subsection if the holder is to continue to be employed.

(d) The transitional certificate is not renewable.

[Statutory Authority: RCW 28A.410.010. Readopted by 03-14-115, § 180-79A-231, filed 6/30/03, effective 7/31/03; 03-12-035, § 180-79A-231, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 28A.410.010 and 28A.305.130. 02-13-027, § 180-79A-231, filed 6/12/02, effective 7/13/02. Statutory Authority: RCW 28A.410.010. 00-13-063, § 180-79A-231, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 28A.410.010 and 28A.305.130 (1) and (2). 99-23-023, § 180-79A-231, filed 11/9/99, effective 12/10/99. Statutory Authority: RCW 28A.305.130 (1) and (2), 28A.410.010 and 28A.150.220(4). 99-01-174, § 180-79A-231, filed 12/23/98, effective 1/23/99.]

WAC 180-79A-308 Endorsement by examination. In lieu of completing the required number of credit hours and

the essential areas of study, or any portion of such requirements, individuals may add endorsements to an initial or continuing teaching certificate by examination in one of the following ways:

Washington colleges and universities with an approved preparation program for teachers may waive all or any portion of the requirement for a particular endorsement and recommend the candidate to the superintendent of public instruction for the particular endorsement if the following conditions are met:

(1) The candidate is required to demonstrate subject matter competency for all or a portion of the requirement waived through passage of one or more written examinations.

(2) In the case of waiver of an essential area of study, a faculty member regularly responsible for teaching a course which covers that essential area of study must attest to the fact that the proposed examination is of sufficient scope and depth to evaluate the candidate's knowledge of the essential area of study.

[Statutory Authority: RCW 28A.410.010. 03-19-019, § 180-79A-308, filed 9/5/03, effective 10/6/03; 97-04-088, § 180-79A-308, filed 2/5/97, effective 3/8/97.]

Chapter 180-82 WAC

CERTIFICATE ENDORSEMENTS AND ASSIGNMENT OF CERTIFICATED PERSONNEL

WAC

180-82-105 Assignment of classroom teachers within districts.
180-82-110 Exceptions to classroom teacher assignment policy.
180-82-115 Repealed.
180-82-204 Endorsement requirements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

180-82-115 Superintendent of public instruction annual report to state board of education. [Statutory Authority: RCW 28A.305.130 (1) and (2), 28A.410.010 and 28A.150.220(4). 99-04-008, § 180-82-115, filed 1/21/99, effective 2/21/99.] Repealed by 03-23-034, filed 11/12/03, effective 12/13/03. Statutory Authority: RCW 28A.305.130, 28A.410.010, 28A.150.220.

WAC 180-82-105 Assignment of classroom teachers within districts. In addition to holding teaching permits or certificates as required by WAC 180-16-220(2), the assignment of classroom teachers in the basic program of education shall comply with the following:

(1) Classroom teachers with standard or unendorsed continuing teacher certificates may be assigned to any grade or subject areas for which certification is required.

(2) Classroom teachers with initial, residency, endorsed continuing, or professional teacher certificates may be assigned only to the specified grades and specified subject areas stated as endorsements upon their respective certificates or permits.

(3) Classroom teachers with initial, residency, endorsed continuing, or professional teacher certificates who have an elementary education endorsement may be assigned to teach any subject in grades K-8.

(4) Any certificated teacher who has completed twenty-four quarter hours (sixteen semester hours) of academic study in a content area that will be offered in grades four through nine may be assigned to that course even if the teacher does not hold an endorsement in that area.

(5) Any certificated teacher may be assigned to a middle school or junior high school block program, which for the purpose of this section shall be defined as the same teacher assigned to teach two or more subject areas to the same group of students, if the teacher has an endorsement in one of the subject areas and has completed or will complete within one year nine quarter hours in each of the other subject areas.

(6) Upon determination by school districts that teachers have the competencies to be effective teachers in alternative settings, individuals with initial, residency, endorsed continuing, or professional teacher certificates may be assigned to teach in alternative schools.

(7) Any certificated teacher may be assigned to courses offered in basic education subject areas not included with the list of endorsements specified in WAC 180-82-202.

(8) Any certificated teacher may be assigned to serve as a substitute classroom teacher at any grade level or in any subject area for a period not to exceed thirty consecutive school days in any one assignment.

(9) Any certificated person holding a limited certificate as specified in WAC 180-79A-230 or a career and technical education certificate as specified in chapter 180-77 WAC may be assigned as per the provisions of such section or chapter.

(10) If a teacher is assigned to provide special education, then the district must also comply with WAC 392-172-200 and 392-172-202.

(11)(a) For the purpose of this section, the term "specified subject areas" shall mean courses or classes with the same subject area title as specified by the classroom teacher's endorsement and courses or classes which the board of directors of the district, using the endorsement-related assignment table published by the state board of education as a nonbinding guideline, determines to substantially include the same subject area as the endorsement—e.g., a classroom teacher with a health endorsement may be assigned to any course, regardless of course title, which substantially includes health as the subject area.

(b) The endorsement-related assignment table published by the state board of education may not be changed without prior state board of education approval. Endorsement-related assigned classroom teachers must be evaluated annually specific to the assignment and achieve a satisfactory rating to continue in the assignment.

(12) Exceptions to the assignment requirements of subsection (1) of this section must comply with WAC 180-82-110.

(13) School district compliance with this section shall be subject to the state staff review process specified in WAC 180-16-195(2).

[Statutory Authority: RCW 28A.410.010. 03-23-039, § 180-82-105, filed 11/12/03, effective 12/13/03; 02-18-038, § 180-82-105, filed 8/26/02, effective 9/26/02. Statutory Authority: RCW 28A.410.010 and 28A.305.130 (1) through (4). 02-04-018, § 180-82-105, filed 1/24/02, effective 2/24/02. Statutory Authority: RCW 28A.305.130 (1) and (2), 28A.410.010 and 28A.150.220(4). 99-04-008, § 180-82-105, filed 1/21/99, effective 2/21/99.]

WAC 180-82-110 Exceptions to classroom teacher assignment policy. Exceptions to the classroom teacher

assignment policy specified in WAC 180-82-105 shall be limited to the following:

(1) Upon determination by school districts that teachers have the competencies to be effective teachers in areas other than their endorsed areas, individuals with initial, residency, endorsed continuing, or professional teacher certificates who have completed provisional status with a school district under RCW 28A.405.220 may be assigned to classes other than in their areas of endorsement. If teachers are so assigned, the following shall apply:

(a) A designated representative of the district and any such teacher so assigned shall mutually develop a written plan which provides for necessary assistance to the teacher, and which provides for a reasonable amount of planning and study time associated specifically with the out-of-endorsement assignment;

(b) Such teachers shall not be subject to nonrenewal or probation based on evaluations of their teaching effectiveness in the out-of-endorsement assignments;

(c) Such teaching assignments shall be approved by a formal vote of the local school board for each teacher so assigned; and

(d) The assignment of such teachers for the previous school year shall be reported annually to the state board of education by the employing school district as required by WAC 180-16-195. Included in the report shall be the number of teachers in out-of-endorsement assignments and the specific assistance being given to the teachers.

(2) Teachers with initial, residency, endorsed continuing, or professional teacher certificates who have not completed provisional status with a school district under RCW 28A.405.220 may be assigned to one out-of-endorsement assignment for a maximum of two periods (not more than forty percent full-time equivalent) a day. Conditions described in subsection (1)(a) through (d) of this section shall apply to teachers so assigned.

(3) After August 31, 2000, a teacher who has completed twenty-four quarter credit hours (sixteen semester credit hours) of course work applicable to a special education endorsement shall be eligible for a waiver from the special education office which will allow that person to be employed as a special education teacher. All remaining requirements shall be completed within five years of service as a special education teacher. Teachers who hold certificates endorsed in special education or who have received waivers from the special education office prior to September 1, 2000, shall not be affected by the requirements of this subsection.

[Statutory Authority: RCW 28A.410.010. 03-04-023, § 180-82-110, filed 1/27/03, effective 2/27/03. Statutory Authority: RCW 28A.150.220(4), 28A.305.130(1), 28A.410.018. 00-18-063, § 180-82-110, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 28A.305.130 (1) and (2), 28A.410.010 and 28A.150.220(4). 99-04-008, § 180-82-110, filed 1/21/99, effective 2/21/99.]

WAC 180-82-115 Repealed. See Disposition Table at beginning of this chapter.

WAC 180-82-204 Endorsement requirements. (1) Candidates for all primary teaching endorsements shall complete college/university programs approved by the state board of education pursuant to chapter 180-78A WAC, which include methodology (see WAC 180-78A-264(5)) and field experience/internship (see WAC 180-78A-264(7)).

(2) Candidates for all supporting teaching endorsements shall complete college/university programs approved by the state board of education pursuant to chapter 180-78A WAC, which shall include methodology (see WAC 180-78A-264(5)). The requirement for field experience/internship for a supporting endorsement shall be at the discretion of the college/university: Provided, That in cases where programs require a field experience/internship the colleges and universities should make every attempt to allow the individual to complete field-based requirements for the endorsement within the confines of the individual's existing schedule.

(3) Teachers may add an endorsement by achieving National Board certification in a Washington teaching endorsement area and possessing a valid National Board certificate.

(4) The state board of education shall approve teacher preparation programs for each endorsement program at Washington colleges and universities, pursuant to chapter 180-78A WAC.

(5) Candidates from out-of-state shall be required to present verification that they completed a state-approved program in a Washington endorsement area, except as otherwise provided in WAC 180-79A-257 (1)(d).

(6) Course work used to meet endorsement requirements must be completed through a regionally accredited college/university.

(7) Only course work in which an individual received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the course work required for the approved endorsement program.

(8) Nothing within this chapter precludes a college or university from adopting additional requirements as conditions for recommendation, by such college or university, to the superintendent of public instruction for a particular subject area endorsement.

[Statutory Authority: RCW 28A.410.010. 03-14-114, § 180-82-204, filed 6/30/03, effective 7/31/03; 01-13-108, § 180-82-204, filed 6/20/01, effective 7/21/01; 00-09-047, § 180-82-204, filed 4/14/00, effective 5/15/00. Statutory Authority: RCW 28A.305.130 (1) and (2), 28A.410.010 and 28A.150.220(4). 99-04-008, § 180-82-204, filed 1/21/99, effective 2/21/99.]

Chapter 180-82A WAC

PERFORMANCE-BASED TEACHER CERTIFICATE ENDORSEMENTS

WAC

180-82A-204 Endorsement requirements.
180-82A-206 Endorsement program approval.
180-82A-215 Implementation policies.

WAC 180-82A-204 Endorsement requirements. (1) Candidates completing endorsements required to obtain a residency certificate, shall complete college/university teacher preparation programs approved by the state board of education pursuant to chapter 180-78A WAC, which include methodology (see WAC 180-78A-264(5)) and field experience/internship (see WAC 180-78A-264(6)) and pursuant to endorsement program approval requirements in this chapter.

(2) In order to add an additional endorsement, the candidate shall:

(a) Have completed a state-approved endorsement program which includes methodology (see WAC 180-78A-264(5)) and addresses all endorsement-specific competencies adopted by the state board of education and published by the superintendent of public instruction. The requirement for field experience shall be at the discretion of the college/university. Provided, that in cases where programs require a field experience/internship, the colleges/universities should make every attempt to allow the individual to complete field-based requirements for the endorsement within the confines of the individual's teaching schedule; or

(b) Achieve National Board certification in a Washington teaching endorsement area and hold a valid National Board certificate.

(3) Candidates from out-of-state shall be required to present verification that they completed a state-approved program (equivalent to a major) in a Washington endorsement area.

(4) Course work used to meet endorsement requirements must be completed through a regionally accredited college/university.

(5) Only course work in which an individual received a grade of C (2.0) or higher or a grade of pass on a pass-fail system of grading shall be counted toward the course work required for the approved endorsement program.

(6) Nothing within this chapter precludes a college or university from adopting additional requirements as conditions for recommendation, by such college or university, to the superintendent of public instruction for a particular subject area endorsement.

[Statutory Authority: RCW 28A.410.010. 03-14-114, § 180-82A-204, filed 6/30/03, effective 7/31/03. Statutory Authority: Chapter 28A.410 RCW and RCW 28A.305.130 (1) through (4). 02-04-013, § 180-82A-204, filed 1/24/02, effective 2/24/02.]

WAC 180-82A-206 Endorsement program approval. (1) The state board of education shall approve endorsement programs at Washington colleges and universities pursuant to the requirements of this chapter. Only colleges and universities with state board of education approved residency certificate teacher preparation programs are eligible to apply for approval to offer endorsement programs.

(2) The state board of education will establish performance/competency criteria for obtaining an endorsement. Revision in adopted endorsement competencies may occur only as approved by the state board.

(3) The superintendent of public instruction will publish, and make available, competencies for all endorsement areas identified in chapter 180-82A WAC.

(4) By August 31, 2003, each college or university desiring to establish an endorsement program shall submit a timeline to meet the following requirements for full approval by August 31, 2004:

(a) Identification of strategies that will be used to assess candidates' capacity/performance related to the competencies;

(b) A description of evidences that candidates will provide to document their positive impact on student learning in the endorsement area; and

(c) A description of the assessment system by which candidate performance, relative to the competencies, will be aggregated, analyzed, and used for program improvement.

(5) The state board of education shall approve endorsement programs for a maximum of five years. Each institution shall submit endorsement programs for review when requested by the state board of education to ensure that the endorsement programs meet the competencies and to provide assessment data relative to candidate performance.

(6) The state board of education shall determine the schedule and process for endorsement program reviews.

[Statutory Authority: RCW 28A.410.010. 03-14-122, § 180-82A-206, filed 6/30/03, effective 7/31/03. Statutory Authority: Chapter 28A.410 RCW and RCW 28A.305.130 (1) through (4). 02-04-013, § 180-82A-206, filed 1/24/02, effective 2/24/02.]

WAC 180-82A-215 Implementation policies. (1) In order to offer an endorsement program after August 31, 2003, the timeline by which the colleges and universities will be in full compliance with the approval standards in this chapter shall be reviewed and approved. In order to offer an endorsement program after August 31, 2004, the endorsement program shall be reviewed and approved under the approval standards of this chapter. All teachers who obtain endorsements after September 1, 2003, shall meet the requirements in this chapter. Provided, that colleges and universities may permit an individual enrolled in programs in Washington state to obtain endorsements under the requirements in chapter 180-82 WAC, if the individual completes the endorsement program on, or before August 31, 2005, and the college or university verifies endorsement program completion on or before December 31, 2005. Provided further, that the state board of education or its designee may waive this requirement on a case-by-case basis.

(2) Teachers shall be required to obtain a minimum of one endorsement.

[Statutory Authority: RCW 28A.410.010. 03-14-122, § 180-82A-215, filed 6/30/03, effective 7/31/03. Statutory Authority: Chapter 28A.410 RCW and RCW 28A.305.130 (1) through (4). 02-04-013, § 180-82A-215, filed 1/24/02, effective 2/24/02.]

Chapter 180-90 WAC
PRIVATE SCHOOLS

WAC

180-90-105	Purpose and authority.
180-90-110	Repealed.
180-90-112	Definitions.
180-90-115	Repealed.
180-90-119	Repealed.
180-90-120	Repealed.
180-90-123	Repealed.
180-90-125	Repealed.
180-90-130	Approval—Annual certification—Adverse findings.
180-90-133	Repealed.
180-90-135	Repealed.
180-90-137	Repealed.
180-90-141	Loss of private school approval.
180-90-160	Minimum standards and certificate form.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

180-90-110 Purpose. [Statutory Authority: RCW 28A.02.240. 85-24-056 (Order 23-85), § 180-90-110, filed 12/2/85; Order 2-77, § 180-90-110, filed 3/24/77; Order 1-75, § 180-90-110, filed 2/4/75.] Repealed by 03-04-053, filed

1/29/03, effective 3/1/03. Statutory Authority: RCW 28A.195.040.

180-90-115 Definition—Private school. [Statutory Authority: RCW 28A.305.130(6), 28A.195.040 and 1996 c 83. 96-15-099, § 180-90-115, filed 7/22/96, effective 8/22/96. Statutory Authority: RCW 28A.02.240. 85-24-056 (Order 23-85), § 180-90-115, filed 12/2/85.] Repealed by 03-04-053, filed 1/29/03, effective 3/1/03. Statutory Authority: RCW 28A.195.040.

180-90-119 Definition—Reasonable health and fire safety requirements. [Statutory Authority: RCW 28A.02.240. 85-24-056 (Order 23-85), § 180-90-119, filed 12/2/85.] Repealed by 03-04-053, filed 1/29/03, effective 3/1/03. Statutory Authority: RCW 28A.195.040.

180-90-120 Definitions—Deviations. [Statutory Authority: RCW 28A.02.240. 85-24-056 (Order 23-85), § 180-90-120, filed 12/2/85. Statutory Authority: RCW 28A.02.201 et seq. and 28A.04.120(4). 78-06-064 (Order 9-78), § 180-90-120, filed 5/25/78; Order 2-77, § 180-90-120, filed 3/24/77; Order 1-75, § 180-90-120, filed 2/4/75.] Repealed by 03-04-053, filed 1/29/03, effective 3/1/03. Statutory Authority: RCW 28A.195.040.

180-90-123 Definition—Total program hour offering. [Statutory Authority: RCW 28A.02.240. 85-24-056 (Order 23-85), § 180-90-123, filed 12/2/85.] Repealed by 03-04-053, filed 1/29/03, effective 3/1/03. Statutory Authority: RCW 28A.195.040.

180-90-125 Definitions—Exceptional case, unusual competence, and general supervision. [Statutory Authority: RCW 28A.305.130(6), 28A.195.040 and 1996 c 83. 96-15-099, § 180-90-125, filed 7/22/96, effective 8/22/96. Statutory Authority: 1990 c 33. 90-17-009, § 180-90-125, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.02.204 [28A.02.240]. 87-09-039 (Order 7-87), § 180-90-125, filed 4/14/87.] Repealed by 03-04-053, filed 1/29/03, effective 3/1/03. Statutory Authority: RCW 28A.195.040.

180-90-133 SPI report to SBE—No adverse findings. [Statutory Authority: RCW 28A.02.240. 85-24-056 (Order 23-85), § 180-90-133, filed 12/2/85.] Repealed by 03-04-053, filed 1/29/03, effective 3/1/03. Statutory Authority: RCW 28A.195.040.

180-90-135 SPI adverse findings—Report to private school. [Statutory Authority: RCW 28A.02.240. 85-24-056 (Order 23-85), § 180-90-135, filed 12/2/85.] Repealed by 03-04-053, filed 1/29/03, effective 3/1/03. Statutory Authority: RCW 28A.195.040.

180-90-137 SPI report to SBE—Adverse findings. [Statutory Authority: RCW 28A.02.240. 85-24-056 (Order 23-85), § 180-90-137, filed 12/2/85.] Repealed by 03-04-053, filed 1/29/03, effective 3/1/03. Statutory Authority: RCW 28A.195.040.

WAC 180-90-105 Purpose and authority. (1) The purpose of this chapter is to establish the procedures and conditions governing the approval of private schools by the state board of education and rescission of such approval.

(2) The authority for this chapter is RCW 28A.195.040 which authorizes the state board of education to promulgate rules and regulations for the approval of private schools for the purpose of implementing RCW 28A.225.010.

[Statutory Authority: RCW 28A.195.040. 03-04-053, § 180-90-105, filed 1/29/03, effective 3/1/03. Statutory Authority: 1990 c 33. 90-17-009, § 180-90-105, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.02.240. 85-24-056 (Order 23-85), § 180-90-105, filed 12/2/85.]

WAC 180-90-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 180-90-112 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Approved private school" means a nonpublic school or nonpublic school district conducting a program consisting of kindergarten and at least grade one, or a program consisting of any or all of grades one through twelve which has been approved by the state board of education in accordance with the minimum standards for approval as prescribed in this chapter.

(2)(a) "Reasonable health requirements" means those standards contained in chapter 248-64 WAC as adopted by the state board of health.

(b) "Reasonable fire safety requirements" means those standards adopted by the state fire marshal pursuant to chapter 48.48 RCW.

(3)(a) "Minor deviation" means a variance from the standards established by these regulations which represents little or no threat to the health or safety of students and school personnel, and which does not raise a question as to the ability of the school to provide an educational program which is in substantial compliance with the minimum standards set forth in WAC 180-90-160, and which, therefore, does not preclude the granting of full approval.

(b) "Major deviation" means a variance from the standards established by these regulations which represents little or no threat to the health or safety of students and school personnel but raises a question as to the ability of the school to provide an educational program which substantially complies with the minimum standards set forth in WAC 180-90-160, but is not so serious as to constitute an unacceptable deviation.

(c) "Unacceptable deviation" means a variance from the standards established by these regulations which either:

(i) Constitutes a serious, imminent threat to the health or safety of students or school personnel; or

(ii) Demonstrates that the school is not capable of providing an educational program which substantially complies with the minimum standards set forth in WAC 180-90-160.

(4) "Total instructional hour offering" means those hours when students are provided the opportunity to engage in educational activity planned by and under the direction of school staff, as directed by the administration and board of directors, inclusive of intermissions for class changes, recess and teacher/ parent-guardian conferences which are planned and scheduled by the approved private school for the purpose of discussing students' educational needs for progress, and exclusive of time actually spent for meals.

(5)(a) "Non-Washington state certificated teacher" means a person who has:

(i) A K-12 teaching certificate from a nationally accredited preparation program, other than Washington state, recognized by the U.S. Department of Education; or

(ii) A minimum of forty-five quarter credits beyond the baccalaureate degree with a minimum of forty-five quarter credits in courses in the subject matter to be taught or in courses closely related to the subject matter to be taught; or

(iii) A minimum of three calendar years of experience in a specialized field. For purposes of this subsection the term "specialized field" means a specialized area of the curriculum where skill or talent is applied and where entry into an occupation in such field generally does not require a baccalaureate degree, including, but not limited to, the fields of art, drama, dance, music, physical education, and career and technical or occupational education.

(b) "Exceptional case" means that a circumstance exists within a private school in which:

(i) The educational program offered by the private school will be significantly improved with the employment of a non-Washington state certificated teacher. Each teacher not holding a valid Washington state certificate shall have experience or academic preparation appropriate to K-12 instruction and consistent with the school's mission. Such experience or academic preparation shall be consistent with the provisions of (c) of this subsection; and

(ii) The school which employs a non-Washington state certificated teacher or teachers pursuant to this subsection employs at least one person certified pursuant to rules of the state board of education and (c) of this subsection to every twenty-five FTE students enrolled in grades kindergarten through twelve. The school will report the academic preparations and experience of each teacher providing K-12 instruction; and

(iii) The non-Washington state certificated teacher of the private school, employed pursuant to this section and as verified by the private school, meets the age, good moral character, and personal fitness requirements of WAC 180-79A-150 (1) and (2), has not had his or her teacher's certificate revoked by any state or foreign country. (WAC 180-79A-155 (5)(a).)

(c) "Unusual competence": As applied to an exceptional case wherein the educational program as specified in RCW 28A.195.010 and WAC 180-90-160(7) will be significantly improved with the employment of a non-Washington state certificated teacher as defined in (a) of this subsection.

(d) "General supervision" means that a Washington state certificated teacher or administrator shall be generally available at the school site to observe and advise the teacher employed under provision of (c) of this subsection and shall evaluate pursuant to policies of the private school.

[Statutory Authority: RCW 28A.195.040. 03-04-053, § 180-90-112, filed 1/29/03, effective 3/1/03. Statutory Authority: RCW 28A.02.240. 85-24-056 (Order 23-85), § 180-90-112, filed 12/2/85.]

WAC 180-90-115 Repealed. See Disposition Table at beginning of this chapter.

WAC 180-90-119 Repealed. See Disposition Table at beginning of this chapter.

WAC 180-90-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 180-90-123 Repealed. See Disposition Table at beginning of this chapter.

WAC 180-90-125 Repealed. See Disposition Table at beginning of this chapter.

WAC 180-90-130 Approval—Annual certification—Adverse findings. (1) At least ninety days prior to the commencement of the annual school term or period, the chief administrator of each private school shall file with the superintendent of public instruction, in accordance with procedures established by the superintendent of public instruction, a certificate of compliance in the form and substance set forth in WAC 180-90-160.

(2) The superintendent of public instruction shall review each certificate. The review shall be completed within thirty days after receipt of a completed application.

(3) If the superintendent of public instruction finds no minor, major, or unacceptable deviations, the superintendent of public instruction shall so notify the private school and shall recommend full approval of the private school to the state board of education.

(4) If the superintendent of public instruction finds deviation, the private school shall be notified in writing of any minor, major, or unacceptable deviations.

(5) If the superintendent of public instruction finds minor, major, or unacceptable deviations, the superintendent of public instruction shall not transmit the recommendation regarding approval status to the state board of education until the private school submits a narrative report indicating agreement or not with the findings of the superintendent of public instruction and any proposed remedial action to address the reported deviations. Upon receipt of the narrative report, the superintendent of public instruction shall transmit the recommendation and the narrative report to the state board of education.

[Statutory Authority: RCW 28A.195.040. 03-04-053, § 180-90-130, filed 1/29/03, effective 3/1/03. Statutory Authority: RCW 28A.02.240. 85-24-056 (Order 23-85), § 180-90-130, filed 12/2/85. Statutory Authority: RCW 28A.04.120(4). 82-04-004 (Order 3-82), § 180-90-130, filed 1/21/82; Order 2-77, § 180-90-130, filed 3/24/77; Order 1-75, § 180-90-130, filed 2/4/75.]

WAC 180-90-133 Repealed. See Disposition Table at beginning of this chapter.

WAC 180-90-135 Repealed. See Disposition Table at beginning of this chapter.

WAC 180-90-137 Repealed. See Disposition Table at beginning of this chapter.

WAC 180-90-141 Loss of private school approval. (1) The superintendent of public instruction is authorized to rescind approval of a private school for one or more of the following reasons:

(a) Failure to have students enrolled for any six consecutive calendar months or failure to provide evidence of student enrollment upon request of the superintendent of public instruction for the said period of time.

(b) Failure to provide verification that the approved private school teaching staff meet the provision of WAC 180-90-112 (5)(b)(ii).

(c) Failure to provide verification that the physical facilities of the school meet the health and fire safety standards.

(2) The superintendent of public instruction shall notify the state board of education of decisions to rescind approval.

[Statutory Authority: RCW 28A.195.040. 03-04-053, § 180-90-141, filed 1/29/03, effective 3/1/03. Statutory Authority: RCW 28A.02.204 [28A.02.240]. 87-09-039 (Order 7-87), § 180-90-141, filed 4/14/87.]

WAC 180-90-160 Minimum standards and certificate form. The annual certificate required by WAC 180-90-130 shall be in substantial compliance with the form and substance of the following:

CERTIFICATE OF COMPLIANCE
WITH STATE STANDARDS

ESD/County/Public
School District
Private School/
District Address

I, ... , do hereby certify that I am the principal or chief administrator of the above named school; that said school is located at the address listed above, and conducts grades . . . . . through . . . . . with a projected enrollment of . . . . . ; and that said school is scheduled to meet throughout the . . . . . school year, the following standards with the exception only of such deviations, if any, as are set forth in an attachment to this certificate of compliance

or

I, ... , do hereby certify that I am the superintendent of the above named private school district; and that the private schools under my jurisdiction are scheduled to meet throughout the school year, the following standards with the exception only of such deviations as are set forth in an attachment to this certificate of compliance; and that a list of such schools, including the grades conducted and the projected enrollment for each school, accompanies this certificate:

Following initial approval as a private school by the state board of education, evidence of current accreditation by a state board of education approved accrediting body may be submitted annually in lieu of approval documents described in 1-12.

(1) The minimum school year for instructional purposes consists of no less than 180 school days or the equivalent in annual minimum instructional hour offerings as prescribed in RCW 28A.150.220.

(2) On each school day, pupils enrolled in the school are provided the opportunity to be engaged in educational activity planned by and under the direction of the staff, as directed by the administration and/or governing board; and that pupils are provided a total instructional hour offering as prescribed in RCW 28A.150.220 except that the percentages for basic skills, work skills, and optional subjects and activities prescribed in RCW 28A.150.220 do not apply to private schools and that the total instructional hour offering, except as otherwise specifically provided in RCW 28A.150.220, made available is at least:

(a) 450 hours for students in kindergarten.

(b) 1000 hours for students in grades one through twelve.

(3) All classroom teachers hold appropriate Washington State certification except for:

(a) Teachers for religious courses or courses for which no counterpart exists in the public schools: Provided, That a religious course is a course of study separate from the courses of study defined in RCW 28A.195.010 including occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of the appreciation of art and music all in sufficient units for meeting state board of education graduation requirements; and/or

(b) A person of unusual competence who is not certified but who will teach students in an exceptional case under the general supervision of a Washington state certificated teacher or administrator pursuant to WAC 180-90-112. The non-Washington state certificated teacher, the Washington state certificated person who will supervise, and the exceptional circumstances are listed on the addendum to this certificate: Provided, That if a non-Washington state certificated teacher is employed subsequent to the filing of this certificate, this same information shall be forwarded to the superintendent of public instruction within thirty days from the date of employment.

(4) If the school operates an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody, the extension program meets the following requirements:

(a) The parent, guardian, or custodian is supervised by a person certified under chapter 28A.410 RCW and who is employed by the school;

(b) The planning by the certified person and the parent, guardian, or person having legal custody includes objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spends a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the extension program;

(d) Each student's progress is evaluated by the certified person; and

(e) The certified person does not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Measures have been taken to safeguard all permanent records against loss or damage through either the storage of such records in fire-resistant containers or facilities, or the retention of duplicates in a separate and distinct area;

(6) The physical facilities of the school are adequate to meet the program offered, and all school facilities and practices are in substantial compliance with reasonable health and fire safety standards, as substantiated by current inspection reports of appropriate health and fire safety officials which are on file in the chief administrator's office;

(7) The school's curriculum includes instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music in sufficient units for meeting state board of education graduation requirements, as set forth in chapter 180-51 WAC;

(8) The school or its organized district maintains up-to-date policy statements related to the administration and operation of the school or district;

(9) The school does not engage in a policy of racial segregation or discrimination;

(10) The governing authority of this private school or private school district has been apprised of the requirements of chapter 180-90 WAC relating to the minimum requirements for approval of private schools and such governing authority has further been apprised of all deviations from the rules and regulations of the state board of education and the standards contained in chapter 180-90 WAC. I have reported all such deviations herewith.

(11) Approval by the state board of education is contingent upon on-going compliance with the standards certified herein. The superintendent of public instruction shall be notified of any deviation from these standards which occurs after the action taken by the state board of education. Such notification shall be filed within thirty days of occurrence of the deviation.

(12) Failure to comply with the requirements of this chapter may result in the revocation of the approval of the private school and shall be considered in subsequent application for approval as a private school.

Dated this . . . . day of . . . . . , 19. . .

(signed)

(title)

(phone number)

[Statutory Authority: RCW 28A.195.040. 03-04-053, § 180-90-160, filed 1/29/03, effective 3/1/03. Statutory Authority: RCW 28A.305.130(6), 28A.195.040 and 1996 c 83. 96-15-099, § 180-90-160, filed 7/22/96, effective 8/22/96. Statutory Authority: 1990 c 33. 90-17-009, § 180-90-160, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.02.240. 89-01-038 (Order 23-88), § 180-90-160, filed 12/14/88; 87-09-039 (Order 7-87), § 180-90-160, filed 4/14/87. Statutory Authority: RCW 28A.02.240. 85-24-056 (Order 23-85), § 180-90-160, filed 12/2/85. Statutory Authority: RCW 28A.04.120(4). 82-04-004 (Order 3-82), § 180-90-160, filed 1/21/82. Statutory Authority: RCW 28A.02.201 et seq. and 28A.04.120(4). 78-06-064 (Order 9-78), § 180-90-160, filed 5/25/78; Order 2-77, § 180-90-160, filed 3/24/77; Order 1-76, § 180-90-160, filed 2/3/76; Order 1-75, § 180-90-160, filed 2/4/75.]

Title 182 WAC

HEALTH CARE AUTHORITY

Chapters

182-08 Procedures.
182-12 Eligible and noneligible employees.
182-25 Washington basic health plan.

Chapter 182-08 WAC
PROCEDURES

WAC

182-08-015 Definitions.
182-08-020 Repealed.
182-08-095 Waiver of coverage for active employees.
182-08-120 Employer contribution.
182-08-125 PEBB-sponsored medical and dental benefit is limited to one enrollment per individual member.
182-08-175 Group coverage while on family and medical leave.
182-08-180 Premium payments and refunds.
182-08-190 Employer contribution.
182-08-196 Health plan no longer available.
182-08-210 Termination of employer paid insurance benefit programs.
182-08-220 Advertising or promotion of PEBB sponsored benefit plans.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

182-08-020 Duties and responsibilities. [Statutory Authority: Chapter 41.05 RCW. 96-08-042, § 182-08-020, filed 3/29/96, effective 4/29/96; Order 7228, § 182-08-020, filed 12/8/76.] Repealed by 03-17-031 (Order 02-07), filed 8/14/03, effective 9/14/03. Statutory Authority: RCW 41.05.160 and 41.05.165.

WAC 182-08-015 Definitions. The following definitions apply throughout this Title 182 WAC unless the context clearly indicates other meaning:

(1) "Administrator" means the administrator of the HCA or designee.

(2) "Board" means the public employees benefits board established under provisions of RCW 41.05.055. The board is created within the HCA and the administrator of the HCA shall serve as the chair of the board.

(3) "Open enrollment" means a time period designated by the administrator during which enrollees may apply to transfer their enrollment from one health plan to another, enroll in a medical plan if the enrollee had previously waived coverage or add dependents.

(4) "Enrollee" means a person who meets all eligibility requirements defined in chapter 182-12 WAC, who is enrolled in a PEBB plan, and for whom applicable premium payments have been made.

(5) "Subscriber" or "insured" means the enrollee who has been designated by the HCA as the individual to whom the HCA and the health plan will issue all notices, information, requests and premium bills on behalf of all enrolled family members.

(6) "Effective date of enrollment" means the first date on which an enrollee is entitled to receive covered services.

(7) "PEBB plan" means one or more insurance programs established by the public employees benefits board for eligible enrollees and their dependents.

[Statutory Authority: RCW 41.05.160 and 41.05.165. 03-17-031 (Order 02-07), § 182-08-015, filed 8/14/03, effective 9/14/03. Statutory Authority: Chapter 41.05 RCW. 96-08-042, § 182-08-015, filed 3/29/96, effective 4/29/96.]

WAC 182-08-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 182-08-095 Waiver of coverage for active employees. (1) Active employees eligible for PEBB health care coverage have the option of waiving medical coverage for themselves and any or all dependents if they are covered by another medical plan. In order to waive medical coverage, the employee must complete an enrollment form that identifies the individuals for whom coverage is being waived. If an employee waives medical coverage for him/herself, coverage is automatically waived for all eligible dependents. An employee may choose to enroll only him/herself, and waive medical coverage for any or all dependents.

(2) Employees whose medical coverage is waived must remain enrolled in a PEBB dental plan. Employees must also remain enrolled in PEBB life and long term disability coverage.

(3) If PEBB medical coverage is waived, an otherwise eligible person may not enroll in a PEBB plan until the next

open enrollment period, or within 31 days of loss of other medical coverage. Proof of other medical coverage during the period of waived coverage must demonstrate that:

(a) Medical coverage was continuous from the date PEBB coverage was waived; and

(b) The period between loss of coverage and application for PEBB coverage is 31 days or less. The employee and dependents may have an additional opportunity to enroll only as a result of acquisition of a new dependent due to marriage, birth, adoption, or placement for adoption, provided that enrollment is requested within 31 days of marriage or within 60 days of birth, adoption or placement for adoption of a child.

[Statutory Authority: RCW 41.05.160 and 41.05.165. 03-17-031 (Order 02-07), § 182-08-095, filed 8/14/03, effective 9/14/03. Statutory Authority: RCW 41.05.160 and 41.05.065. 01-24-048 (Order 01-05), § 182-08-095, filed 11/29/01, effective 12/30/01. Statutory Authority: RCW 41.05.160. 99-19-029 (Order 99-03), § 182-08-095, filed 9/8/99, effective 10/9/99; 97-21-126, § 182-08-095, filed 10/21/97, effective 11/21/97. Statutory Authority: Chapter 41.05 RCW. 96-08-042, § 182-08-095, filed 3/29/96, effective 4/29/96.]

WAC 182-08-120 Employer contribution. The employers' contribution must be used to provide coverage for the basic life insurance benefit, a basic long term disability benefit, medical coverage, and dental coverage, and to establish a reserve for any remaining balance. There is no employer contribution available for any other insurance coverages.

[Statutory Authority: RCW 41.05.160 and 41.05.165. 03-17-031 (Order 02-07), § 182-08-120, filed 8/14/03, effective 9/14/03. Statutory Authority: Chapter 41.05 RCW. 96-08-042, § 182-08-120, filed 3/29/96, effective 4/29/96; 86-16-061 (Resolution No. 86-3), § 182-08-120, filed 8/5/86; 83-22-042 (Resolution No. 6-83), § 182-08-120, filed 10/28/83; Order 3-77, § 182-08-120, filed 11/17/77; Order 7228, § 182-08-120, filed 12/8/76.]

WAC 182-08-125 PEBB-sponsored medical and dental benefit is limited to one enrollment per individual member. (1) Effective January 1, 2002, individuals that have more than one source of eligibility for enrollment in PEBB medical and dental benefits (called "dual eligibility") are limited to one enrollment.

(2) One insurance-eligible employee may waive medical coverage for him/herself and enroll as a spouse or dependent on the coverage of his/her eligible spouse. This waiver option is not available for other insurance coverages.

(3) The following examples describe typical situations of dual eligibility. These are not the only situations where dual eligibility may arise. These examples are provided as illustrations only.

(a) A husband and wife who are both insurance-eligible and employed by PEBB-participating employers, such as state agencies, may enroll only in medical or dental as an employee but not also as a dependent. That is, the husband may enroll only under his employing agency and the wife may enroll only under her employing agency but not also as dependents of each other. In the alternative, one spouse may waive medical coverage as an employee and enroll as a dependent on the medical coverage of the other spouse.

(b) A dependent child that is eligible for coverage under two or more parents or stepparents who are employed by PEBB-participating employers, may be enrolled as a dependent under the coverage of one parent or stepparent, but not more than one.

(c) An employee employed in an insurance-eligible position by more than one PEBB-participating employer may enroll only under one employer. The employee may choose to enroll in insurance under the employer that:

(i) Offers the most favorable cost-sharing arrangement; or

(ii) Employed the employee for the longer period of time.

[Statutory Authority: RCW 41.05.160 and 41.05.165. 03-17-031 (Order 02-07), § 182-08-125, filed 8/14/03, effective 9/14/03. Statutory Authority: RCW 41.05.160 and 41.05.065. 01-24-048 (Order 01-05), § 182-08-125, filed 11/29/01, effective 12/30/01.]

WAC 182-08-175 Group coverage while on family and medical leave. Employees on leave under the federal Family and Medical Leave Act of 1993, and regulations implementing that act, may continue to receive up to twelve weeks of employer-paid group medical, dental, basic life, and basic long-term disability insurance while on family and medical leave and may also continue current optional life and long-term disability on a self-pay basis. All premiums that come due during the period of family and medical leave shall be paid monthly as they become due. If premiums are more than sixty days delinquent, coverage will be terminated as of the last day of the month of fully paid coverage. If an employee fails to return to work after expiration of family and medical leave for a reason other than the continuation, recurrence, or onset of a serious health condition or other circumstance beyond the control of the employee, the employer may recover the premiums paid to maintain the employee's insurance coverage from the employee.

[Statutory Authority: RCW 41.05.160 and 41.05.165. 03-17-031 (Order 02-07), § 182-08-175, filed 8/14/03, effective 9/14/03. Statutory Authority: RCW 41.05.160. 97-21-126, § 182-08-175, filed 10/21/97, effective 11/21/97. Statutory Authority: Chapter 41.05 RCW. 93-23-065, § 182-08-175, filed 11/16/93, effective 12/17/93.]

WAC 182-08-180 Premium payments and refunds. (1) Within ninety days after an event affecting eligibility, the subscriber or a dependent or beneficiary of a subscriber must notify HCA of any change in eligibility status, such as for example: Death, divorce, or when no longer a dependent as defined at WAC 182-12-119. Premium paid after such an event will be refunded in accordance with subsection (4) of this section.

(2) Premiums miscalculated will be adjusted by returning the excess charged premium, if any, to the employer, subscriber, or beneficiary, as appropriate. Errors producing an underpayment must be reimbursed by the employer or subscriber to the HCA. Upon request of an employer, subscriber, or beneficiary, as appropriate, the HCA will develop a repayment plan designed not to create undue hardship on the employer or subscriber.

(3) Premium is due for the entire month of coverage and will not be prorated during the month of death or loss of eligibility of the enrollee.

(4) Premium refunds requested by a subscriber or a dependent or beneficiary must be presented to HCA within ninety days of the event. Refunds will not be made for more than three months of premium. Examples of such events

include, but are not limited to, divorce, death of an employee or retiree, or death of a dependent of an employee or retiree, or situations where premium was paid on behalf of enrollees or dependents.

[Statutory Authority: RCW 41.05.160 and 41.05.165. 03-17-031 (Order 02-07), § 182-08-180, filed 8/14/03, effective 9/14/03. Statutory Authority: Chapter 41.05 RCW. 96-08-042, § 182-08-180, filed 3/29/96, effective 4/29/96; Order 01-77, § 182-08-180, filed 8/26/77.]

WAC 182-08-190 Employer contribution. (1) Every department, division, or agency of state government, and such county, municipal or other political subdivisions as are covered under the PEBB plans, shall pay premium contributions to the HCA for insurance benefits for all of its insurance-eligible employees and their dependents.

(a) Employer contributions shall be set by the HCA and are subject to the approval of the governor.

(b) Employer contributions shall include an amount determined by the HCA to pay administrative costs to administer the plans for employees of these groups.

(c) Each eligible employee in pay status for eight or more hours during a calendar month or for each eligible employee on family and medical leave shall be eligible for the employer contribution. The entire employer contribution is due and payable to HCA even if medical coverage is waived.

(d) Coverage for any county, municipality or other political subdivision or any K-12 school district may be terminated by HCA if the premium contributions are delinquent more than ninety days.

(2) For the period of July 1, 2002, to June 30, 2003, eligible state employees placed on temporary unpaid leave in order to implement the 2002 supplemental appropriations act are not required to have eight hours of pay status in order to maintain eligibility for the employer contribution for each month that they are on mandatory leave.

[Statutory Authority: RCW 41.05.160 and 41.05.165. 03-17-031 (Order 02-07), § 182-08-190, filed 8/14/03, effective 9/14/03. Statutory Authority: RCW 41.05.160. 02-18-088 (Order 02-03), § 182-08-190, filed 9/3/02, effective 10/4/02. Statutory Authority: Chapter 41.05 RCW. 96-08-042, § 182-08-190, filed 3/29/96, effective 4/29/96; 93-23-065, § 182-08-190, filed 11/16/93, effective 12/17/93; 78-02-015 (Order 2-78), § 182-08-190, filed 1/10/78; Order 3-77, § 182-08-190, filed 11/17/77.]

WAC 182-08-196 Health plan no longer available. Active employees and retirees for whom the chosen health plan becomes unavailable must select a new health plan within thirty-one days after notification by HCA. Any person that fails to select a new plan within the prescribed time period will be enrolled in the Uniform Medical Plan by default. Any person defaulted to the Uniform Medical Plan may not change health plans until the next open enrollment.

[Statutory Authority: RCW 41.05.160 and 41.05.165. 03-17-031 (Order 02-07), § 182-08-196, filed 8/14/03, effective 9/14/03.]

WAC 182-08-210 Termination of employer paid insurance benefit programs. Coverage for a terminated employee, spouse or dependent child under the PEBB medical, dental, and life insurance coverages ceases at 12:00 midnight, the last day of the month in which the employee is in pay status. Basic long term disability coverage ceases at 12:00 midnight the date employment terminates or immediately upon the death of the employee.

[Statutory Authority: RCW 41.05.160 and 41.05.165. 03-17-031 (Order 02-07), § 182-08-210, filed 8/14/03, effective 9/14/03. Statutory Authority: Chapter 41.05 RCW. 96-08-042, § 182-08-210, filed 3/29/96, effective 4/29/96; Order 3-77, § 182-08-210, filed 11/17/77.]

WAC 182-08-220 Advertising or promotion of PEBB sponsored benefit plans. (1) In order to assure equal and unbiased representation of PEBB plans, any promotion of these plans shall comply with all of the following:

(a) All materials describing PEBB plan benefits shall be prepared by or approved by the HCA prior to use.

(b) Distribution or mailing of all plan benefit descriptions shall be performed by or under the direction of the HCA.

(c) All media announcements or advertising by a carrier which include any mention of the "Public Employees Benefits Board," "health care authority" or any reference to coverage for "state employees or retirees" or any group of employees covered by PEBB plans, must receive the advance written approval of the HCA.

(2) Failure to comply with any or all of these requirements by a PEBB contracted carrier or subcontractor may result in contract termination by the HCA, refusal to continue or renew a contract with the noncomplying party, or both.

[Statutory Authority: RCW 41.05.160 and 41.05.165. 03-17-031 (Order 02-07), § 182-08-220, filed 8/14/03, effective 9/14/03. Statutory Authority: Chapter 41.05 RCW. 96-08-042, § 182-08-220, filed 3/29/96, effective 4/29/96; 91-20-163, § 182-08-220, filed 10/2/91, effective 11/2/91; 86-16-061 (Resolution No. 86-3), § 182-08-220, filed 8/5/86.]

Chapter 182-12 WAC
ELIGIBLE AND NONELIGIBLE EMPLOYEES

WAC

182-12-111	Eligible entities and individuals.
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WAC 182-12-111 Eligible entities and individuals. The following entities and individuals shall be eligible to participate in PEBB insurance plans subject to the terms and conditions set forth below:

(1) State agencies. Every department, division, or separate agency of state government, including all state higher education institutions, the higher education coordinating board, and the state board for community and technical colleges is required to participate in all PEBB approved plans. Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270.

(a) Employees of technical colleges previously enrolled in a benefits trust may terminate PEBB coverage by January 1, 1996, or the expiration of the current collective bargaining agreements, whichever is later. Employees electing to terminate PEBB coverage have a one-time reenrollment option after a five year wait. Employees of a bargaining unit may terminate PEBB participation only as an entire bargaining

unit. All administrative or managerial employees may terminate PEBB participation only as an entire unit.

(b) Technical colleges with employees enrolled in a benefits trust shall remit to the HCA a retiree remittance as specified in the omnibus appropriations act, for each full-time employee equivalent. The remittance may be prorated for employees receiving a prorated portion of benefits.

(2) Employee organizations. Employee organizations representing state civil service employees, and, effective October 1, 1995, employees of employee organizations currently pooled with employees of school districts for the purpose of purchasing insurance benefits, may participate in PEBB-sponsored benefits at the option of each employee organization provided all of the following requirements are met:

(a) All eligible employees of the entity must transfer to PEBB plan coverage as a unit. If the group meets the minimum size standards established by HCA, bargaining units may elect to participate separately from the whole group, and the nonrepresented employees may elect to participate separately from the whole group provided all nonrepresented employees join as a group.

(b) The PEBB medical plans must be the only employer sponsored medical plans available to eligible employees.

(c) The legislative authority or the board of directors of the entity must submit to the HCA an application together with employee census data and, if available, prior claims experience of the entity. The application to participate in the PEBB plans is subject to the approval of the HCA.

(d) The legislative authority or the board of directors must maintain its PEBB plan participation for a minimum of one full year, and may terminate participation only at the end of a plan year.

(e) The terms and conditions for the payment of the insurance premiums shall be set forth in the provisions of the bargaining agreement or terms of employment and shall comply with the employer contribution requirements specified in the appropriate governing statute. These provisions, including eligibility, shall be subject to review and approval by the HCA at the time of application for participation. Any substantive changes must be submitted to HCA.

(f) The eligibility requirements for dependents must be the same as the requirements for dependents of the state employees and retirees as defined in WAC 182-12-119.

(g) The legislative authority or the board of directors shall provide the HCA with written notice of its intent to terminate PEBB plan participation no fewer than thirty days prior to the effective date of termination. If the employee organization terminates coverage in PEBB insurance plans, retired and disabled employees who began participating after September 15, 1991, are not eligible to participate in PEBB insurance plans beyond the mandatory extension requirements specified in WAC 182-12-215.

(3) Blind vendors as defined in RCW 74.18.200: Vendors actively operating a business enterprise program facility in the state of Washington and deemed eligible by the department of services for the blind may voluntarily participate in PEBB insurance programs.

(a) Vendors that do not enroll when first eligible may enroll only during the annual open enrollment period offered by the health care authority or the first day of the month following loss of other coverage.

(b) Department of services for the blind will notify eligible vendors of their eligibility in advance of the date that they are eligible to apply for enrollment in PEBB insurance programs.

(c) The eligibility requirements for dependents of blind vendors shall be the same as the requirements for dependents of the state employees and retirees as defined in WAC 182-12-119.

(4) Local governments: Employees of a county, municipality, or other political subdivision of the state may participate in PEBB insurance programs provided all of the following requirements are met:

(a) All eligible employees of the entity must transfer to PEBB plan coverage as a unit. If the employer group meets the minimum size standards established by HCA, bargaining units may elect to participate separately from the whole group, and the nonrepresented employees may elect to participate separately from the whole group provided all nonrepresented employees join as a group.

(b) The PEBB medical plans must be the only employer sponsored medical plans available to eligible employees.

(c) The legislative authority or the board of directors of the entity must submit to the HCA an application together with employee census data and, if available, prior claims experience of the entity. The application to participate in the PEBB plans is subject to the approval of the HCA.

(d) The legislative authority or the board of directors must maintain its PEBB plan participation for a minimum of one full year, and may terminate participation only at the end of the plan year.

(e) The terms and conditions for the payment of the insurance premiums must be set forth in the provisions of the bargaining agreement or terms of employment and shall comply with the employer contribution requirements specified in the appropriate governing statute. These provisions, including eligibility, shall be subject to review and approval by the HCA at the time of application for participation. Any substantive changes must be submitted to HCA.

(f) The eligibility requirements for dependents of local government employees must be the same as the requirements for dependents of the state employees and retirees as defined in WAC 182-12-119.

(g) The legislative authority or the board of directors shall provide the HCA with written notice of its intent to terminate PEBB plan participation no fewer than thirty days prior to the effective date of termination. If a county, municipality, or political subdivision terminates coverage in PEBB insurance plans, retired and disabled employees who began participating after September 15, 1991, are not eligible to participate in PEBB insurance plans beyond the mandatory extension requirements specified in WAC 182-12-215.

(5) K-12 school districts and educational service districts: Employees of school districts or educational service districts may participate in PEBB insurance programs provided all of the following requirements are met:

(a) All eligible employees of the entity must transfer to PEBB plan coverage as a unit. If the K-12 school district or educational service district meets the minimum size standards established by HCA, bargaining units may elect to par-

ticipate separately from the whole group. For the purpose of enrolling by bargaining unit, all nonrepresented employees will be considered a single bargaining unit.

(b) The school district or educational service district must submit an application together with employee census data and, if available, prior claims experience of the entity to the HCA. The application to participate in the PEBB plans is subject to the approval of the HCA.

(c) The school district or educational service district must agree to participate in all PEBB insurance plans. The PEBB medical plans must be the only employer sponsored medical plans available to eligible employees.

(d) The school district or educational service district must maintain its PEBB plan participation for a minimum of one full year, and may terminate participation only at the end of the plan year.

(e) Beginning September 1, 2003, the health care authority will collect an amount equal to the composite rate charged to state agencies plus an amount equal to the employee premium by plan and family size as would be charged to state employees for each participating school district or educational service district. Each participating school district or educational service district must agree to collect an employee premium by plan and family size that is not less than that paid by state employees. The eligibility requirements for employees will be the same as those for state employees as defined in WAC 182-12-115.

(f) The eligibility requirements for dependents of K-12 school district and educational service district employees must be the same as the requirements for dependents of the state employees and retirees as defined in WAC 182-12-119.

(g) The school district or educational district must provide the HCA with written notice of its intent to terminate PEBB plan participation no fewer than thirty days prior to the effective date of termination, and may terminate participation only at the end of a plan year.

(6) Eligible nonemployees:

(a) Dislocated forest products workers enrolled in the employment and career orientation program pursuant to chapter 50.70 RCW shall be eligible for PEBB medical and dental plan coverage while enrolled in that program.

(b) School board members or students eligible to participate under RCW 28A.400.350 may participate as long as they remain eligible under that section.

[Statutory Authority: RCW 41.05.160 and 41.05.165. 03-17-031 (Order 02-07), § 182-12-111, filed 8/14/03, effective 9/14/03. Statutory Authority: RCW 41.05.160. 02-18-087 (Order 02-02), § 182-12-111, filed 9/3/02, effective 10/4/02; 99-19-028 (Order 99-04), § 182-12-111, filed 9/8/99, effective 10/9/99; 97-21-127, § 182-12-111, filed 10/21/97, effective 11/21/97. Statutory Authority: Chapter 41.05 RCW. 96-08-043, § 182-12-111, filed 3/29/96, effective 4/29/96. Statutory Authority: RCW 41.04.205, 41.05.065, 41.05.011, 41.05.080 and chapter 41.05 RCW. 92-03-040, § 182-12-111, filed 1/10/92, effective 1/10/92. Statutory Authority: Chapter 41.05 RCW. 78-02-015 (Order 2-78), § 182-12-111, filed 1/10/78.]

WAC 182-12-115 Eligible employees. The following employees of state government, higher education, K-12 school districts, educational service districts, political subdivisions and employee organizations representing state civil service workers are eligible to apply for PEBB insurance coverage. For purposes of defining eligible employees of school districts and educational service districts, a collective bargaining agreement will supersede all definitions provided under this chapter 182-12 WAC only if approved by the HCA.

(1) "Permanent employees." Those who work at least half-time per month and are expected to be employed for more than six months. Coverage begins on the first day of the month following the date of employment. If the date of employment is the first working day of a month, coverage begins on the date of employment.

(2) "Nonpermanent employees." Those who work at least half-time and are expected to be employed for no more than six months. Coverage begins on the first day of the seventh month following the date of employment.

(3) "Seasonal employees." Those who work at least half-time per month during a designated season for a minimum of three months but less than nine months per year and who have an understanding of continued employment season after season. Coverage begins on the first day of the month following the date of employment. If the date of employment is the first working day of a month, coverage begins on the date of employment. However, seasonal employees are not eligible for the employer contribution during the break between seasons of employment but may be eligible to continue coverage by self-paying premiums.

(4) "Career seasonal/instructional year employees." Employees who work half-time or more on an instructional year (school year) or equivalent nine-month seasonal basis. Coverage begins on the first day of the month following the date of employment. If the date of employment is the first working day of the month, coverage begins on the date of employment. These employees are eligible to receive the employer contribution for insurance during the off-season following each period of seasonal employment.

(5) "Part-time faculty." Faculty who are employed on a quarter/semester to quarter/semester basis are eligible to apply for coverage beginning with the second consecutive quarter/semester of half-time or more employment at one or more state institutions of higher education. Coverage begins on the first day of the month following the beginning of the second quarter/semester of half-time or more employment. If the first day of the second consecutive quarter/semester is the first working day of the month, coverage begins at the beginning of the second consecutive quarter/semester.

Employers of part-time faculty must:

(a) Consider spring and fall as consecutive quarters/semesters when determining eligibility; and

(b) Determine "halftime or more employment" based on each institution's definition of "full-time"; and

(c) At the beginning of each quarter/semester notify, in writing, all current and newly hired part-time faculty of their potential right to benefits under this section.

(d) Part-time faculty members employed at more than one institution are responsible for notifying each employer quarterly, in writing, of the employee's multiple employment. In no case will retroactive coverage be permitted or employer contribution paid to HCA if a part-time faculty member fails to inform all of his/her employing institutions about employment at all institutions within the current quarter; and

(e) Where concurrent employment at more than one state higher education institution is used to determine total part-time faculty employment of half-time or more, the employing

institutions will arrange to prorate the cost of the employer insurance contribution based on the employment at each institution. However, if the part-time faculty member would be eligible by virtue of employment at one institution, that institution will pay the entire cost of the employer contribution regardless of other higher education employment. In cases where the cost of the contribution is prorated between institutions, one institution will forward the entire contribution monthly to HCA; and

(f) Once enrolled, if a part-time faculty member does not work at least a total of half-time in one or more state institutions of higher education, eligibility for the employer contribution ceases.

(6) "Appointed and elected officials." Legislators are eligible to apply for coverage on the date their term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible to apply for coverage on the date their term begins or they take the oath of office, whichever occurs first. Coverage for legislators begins on the first day of the month following the date their term begins. If the term begins on the first working day of the month, coverage begins on the first day of their term. Coverage begins for all other elected and full-time appointed officials of the legislative and executive branches of state government on the first day of the month following the date their term begins, or the first day of the month following the date they take the oath of office, whichever occurs first. If the term begins, or oath of office is taken, on the first working day of the month, coverage begins on the date the term begins, or the oath of office is taken.

(7) "Judges." Justices of the supreme court and judges of courts of appeals and the superior courts become eligible to apply for coverage on the date they take the oath of office. Coverage begins on the first day of the month following the date their term begins, or the first day of the month following the date they take oath of office, whichever occurs first. If the term begins, or oath of office is taken, on the first working day of a month, coverage begins on the date the term begins, or the oath of office is taken.

[Statutory Authority: RCW 41.05.160 and 41.05.165. 03-17-031 (Order 02-07), § 182-12-115, filed 8/14/03, effective 9/14/03. Statutory Authority: Chapter 41.05 RCW. 96-08-043, § 182-12-115, filed 3/29/96, effective 4/29/96; 92-08-003, § 182-12-115, filed 3/18/92, effective 3/18/92; 91-14-084, § 182-12-115, filed 7/1/91, effective 7/1/91. Statutory Authority: RCW 41.05.065(3). 90-12-037, § 182-12-115, filed 5/31/90, effective 7/1/90. Statutory Authority: RCW 41.05.065. 89-12-045 (Resolution No. 89-2), § 182-12-115, filed 6/2/89; 89-01-053 (Resolution No. 88-6), § 182-12-115, filed 12/15/88. Statutory Authority: RCW 41.05.010. 88-19-078 (Resolution No. 88-4), § 182-12-115, filed 9/19/88; 88-12-034 (Resolution No. 88-1), § 182-12-115, filed 5/26/88, effective 7/1/88. Statutory Authority: Chapter 41.05 RCW. 86-21-042 (Resolution No. 86-6), § 182-12-115, filed 10/10/86; 83-12-007 (Order 2-83), § 182-12-115, filed 5/20/83; 80-05-016 (Order 2-80), § 182-12-115, filed 4/10/80; 78-08-071 (Order 5-78), § 182-12-115, filed 7/26/78; Order 5646, § 182-12-115, filed 2/9/76.]

WAC 182-12-117 Eligible retirees. (1) Eligible employees who terminate state service after becoming vested in a Washington state sponsored retirement system are eligible for retiree medical and dental coverages provided all of the following requirements are met:

(a) If the retiree or covered dependent(s) is entitled to Medicare and the retiree retired after July 1, 1991 the Medicare-entitled retiree or Medicare-entitled dependent must enroll in Medicare Parts A and B; and

(b) The person submits an application form to enroll or defer PEBB medical and dental coverage within sixty days after active employer or continuous Consolidated Omnibus Budget Reconciliation Act (COBRA) coverage ends and is eligible for retiree benefits under one or more of the programs described in (c), (d), (e), (f), or (g) of this subsection;

(c) Except as provided in (c)(vii) of this subsection, the person immediately begins receiving a monthly retirement income benefit from one or more of the following retirement systems:

(i) Law enforcement officers' and fire fighters' retirement system plan 1 or 2;

(ii) Public employees' retirement system plan 1 or 2;

(iii) School employees' retirement system plan 2;

(iv) State judges/judicial retirement system;

(v) Teachers' retirement system plan 1 or 2; or

(vi) Washington state patrol retirement system.

(vii) Provided, however, that a lump-sum payment may be received in lieu of a monthly retiree income benefit payment under RCW 41.26.425(1), 41.32.762(1), 41.32.870(1), 41.35.410(1), 41.35.670(1), 41.40.625(1) or 41.40.815(1).

(d) The person is at least fifty-five years of age with at least ten years service credit and a member of one of the following retirement systems:

(i) Public employees' retirement system plan 3;

(ii) School employees' retirement system plan 3; and

(iii) Teachers' retirement system plan 3.

(e) The person is a member of state of Washington higher education retirement plan, and is:

(i) At least fifty-five years of age with at least ten years service; or

(ii) At least sixty-two years of age; or

(iii) Immediately begins receiving a monthly retirement income benefit.

(f) If not retiring under the public employees' retirement system, the person would have been eligible for a monthly retirement income benefit because of age and years of service had the person been employed under the provisions of public employees retirement system 1 or 2 for the same period of employment.

(g) The person is an elected official as defined under WAC 182-12-115(6) who has voluntarily or involuntarily left a public office, whether or not they receive a benefit from a state retirement system.

(2) Eligible employees who participate in the public employees' benefits board (PEBB) sponsored life insurance as an active employee and meet qualifications for retiree medical benefits as provided in subsection (1) of this section are eligible for PEBB sponsored retiree life insurance if they apply to the health care authority within sixty days after the date their active PEBB life insurance terminates and their premium is not being waived for any PEBB life insurance plan at the time of application for retiree life insurance.

(3) The following retired and disabled school district and educational service district employees are eligible to participate in PEBB medical and dental plans only, provided they meet all of the enrollment criteria stated below and if they are entitled to Medicare, are also enrolled in Medicare Parts A and B:

(a) Persons receiving a retirement allowance under chapter 41.32, 41.35 or 41.40 RCW as of September 30, 1993, and who enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995;

(b) Persons who separate from employment with a school district or educational service district due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32, 41.35 or 41.40 RCW. Such persons must enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995, or sixty days following retirement, whichever is later.

(4) With the exception of the Washington state patrol, retirees and disabled employees are not eligible for an employer premium contribution.

(5) The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are covered under the PEBB program at the time of retirement or disability.

(6) Employees who do not elect enrollment in PEBB retiree coverage within sixty days of retirement, or who terminate PEBB retiree coverage within sixty days of retirement, or who terminate PEBB retiree coverage after retirement, are not eligible to reenroll in PEBB retiree coverage, unless they retired and deferred PEBB retiree coverage pursuant to WAC 182-12-132 or retired and deferred PEBB retiree coverage pursuant to WAC 182-12-200.

(7) If a retiree's coverage terminates for any reason, coverage will not be reinstated at a later date. Examples of termination include, but are not limited to, any one or more of the following:

(a) Failure to continue to meet eligibility requirements;

(b) Failure to pay the premium when due;

(c) Fraud, intentional misrepresentation or withholding of information the enrollee knew or should have known was material or necessary to accurately determine eligibility or the correct premium;

(d) Failure to provide information requested by the due date or knowingly providing false information;

(e) Abusive or offensive conduct repeatedly directed to an HCA employee, a health plan or other HCA contractor providing coverage on behalf of the PEBB program, its employees, or other persons; or

(f) Intentional misconduct.

(8) Enrollees may not enroll in retiree PEBB dental coverage unless they also enroll in retiree PEBB medical coverage.

(9) In order to continue retiree term life coverage, an election must be made within sixty days of retirement and premiums must be paid whether or not the retiree is otherwise employed. Election of retiree term life coverage may not be waived or deferred during periods of other coverage or otherwise.

[Statutory Authority: RCW 41.05.160 and 41.05.165. 03-17-031 (Order 02-07), § 182-12-117, filed 8/14/03, effective 9/14/03. Statutory Authority: RCW 41.05.160. 01-17-042 (Order 01-01), § 182-12-117, filed 8/9/01, effective 9/9/01; 97-21-127, § 182-12-117, filed 10/21/97, effective 11/21/97. Statutory Authority: Chapter 41.05 RCW. 96-08-043, § 182-12-117, filed 3/29/96, effective 4/29/96.]

WAC 182-12-119 Eligible dependents. "Eligible dependents." The following are eligible as dependents under the PEBB eligibility rules:

(1) Lawful spouse or "qualified domestic partner" (same sex domestic partner qualified through the declaration certificate issued by the health care authority).

(2) Dependent children through age nineteen. The term "children" includes the subscriber's natural children, stepchildren, legally adopted children, children for whom the subscriber has assumed a legal obligation for total or partial support of a child in anticipation of adoption of the child, children of the subscriber's qualified domestic partner, or children specified in a court order or divorce decree. Married children who qualify as dependents of the subscriber under the Internal Revenue Code, and extended dependents approved by the HCA are included. To qualify for HCA approval, the subscriber must demonstrate legal custody for the child with a court order, and the child:

(a) Must be living with the subscriber in a parent-child relationship; and

(b) Must not be a foster child for whom support payments are made to the subscriber through the state department of social and health services (DSHS) foster care program.

(3) Dependent children age twenty through age twenty-three and who are registered students at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters or two semesters and continues during the three-month period following graduation provided the employee/retiree is covered at the same time, the dependent has not reached age twenty-four, and the dependent meets all other eligibility requirements.

(4) Dependent children of any age who are incapable of self-support due to developmental or physical disability, provided such condition occurs prior to age twenty or during the time the dependent was covered under a PEBB plan as a registered student. Proof of such disability must be furnished prior to the dependent's attainment of age twenty or loss of eligibility for student coverage, and as periodically requested thereafter.

(5) Dependent parents.

(a) Dependent parents covered under a PEBB medical plan before July 1, 1990, may continue enrollment on a self-pay basis as long as:

(i) The parent maintains continuous coverage in a PEBB-sponsored medical plan;

(ii) The parent qualifies under the Internal Revenue Code as a dependent of an eligible subscriber;

(iii) The subscriber who claimed the parent as a dependent continues enrollment in a PEBB program; and

(iv) The parent is not covered by any other group medical insurance.

(b) Dependent parents may be enrolled in a different PEBB plan than that selected by the eligible subscriber; however, dependent parents may not add additional family members to their coverage.

(6) Surviving dependents.

(a) The following surviving dependents may continue their medical and dental coverages on a self-pay basis:

(i) If a dependent loses eligibility under a PEBB plan due to the death of the employee, the dependent(s) may continue coverage under a retiree plan provided the dependent(s) will immediately begin receiving a monthly benefit from any state of Washington-sponsored retirement system. The Federal Civil Service Retirement System shall be considered a Washington sponsored retirement system for Washington State University cooperative extension service employees who held a federal civil service appointment and who were covered under the PEBB program at the time of death.

(ii) If a surviving dependent of a PEBB employee is not eligible for a monthly retirement income benefit, or lump-sum payment because the monthly pension payment would be less than the minimum amount established by the department of retirement systems, the dependent may be eligible for continued coverage under COBRA.

(iii) Dependents of retirees enrolled in the retiree's PEBB plan or that waived coverage under a PEBB plan while eligible for an employer sponsored medical plan at the time of the retiree's death are eligible to continue PEBB retiree coverage.

(iv) Surviving spouses and/or eligible dependent children of a deceased school district or educational service district employee who were not enrolled in a PEBB plan at the time of death may continue coverage provided the employee died on or after October 1, 1993 and the dependent(s) immediately began receiving a retirement benefit allowance under chapter 41.32 or 41.40 RCW.

(b) Application for surviving dependent(s) coverage must be made in writing on the enrollment form approved by the health care authority within ninety days from the date of death of the employee or retiree. Coverage is retroactive to the date the employee or retiree coverage terminated subject to the payment of the premium. In order to avoid duplication of group medical coverage, surviving dependents may defer or waive their enrollment in the PEBB coverage each full calendar month in which they maintain coverage under another employer sponsored medical plan. Notice of intent to waive PEBB coverage must be sent in writing to the Washington state health care authority within ninety days from date of death. When an employer sponsored medical plan ends, surviving dependent(s) must submit an application to enroll in a PEBB plan within sixty days of the last day of coverage under the employer sponsored medical plan. Satisfactory evidence of continuous enrollment in an employer sponsored medical plan will be required by the Washington state health care authority prior to enrollment in a PEBB plan. The employee's or retiree's spouse or qualified domestic partner may continue coverage indefinitely; other dependents may continue coverage only until they lose eligibility under PEBB rules.

[Statutory Authority: RCW 41.05.160 and 41.05.165. 03-17-031 (Order 02-07), § 182-12-119, filed 8/14/03, effective 9/14/03. Statutory Authority: RCW 41.05.160. 02-18-087 (Order 02-02), § 182-12-119, filed 9/3/02, effective 10/4/02; 01-01-126 (Order 00-02), § 182-12-119, filed 12/19/00, effective 1/19/01; 99-19-028 (Order 99-04), § 182-12-119, filed 9/8/99, effective 10/9/99; 97-21-127, § 182-12-119, filed 10/21/97, effective 11/21/97. Statutory Authority: Chapter 41.05 RCW. 96-08-043, § 182-12-119, filed 3/29/96, effective 4/29/96.]

WAC 182-12-124 Determination by department of retirement systems of retroactive eligibility for PEBB pension. (1) When the Washington state department of retirement systems (DRS) makes a formal determination that a person is retroactively eligible for pension benefits, that person may apply for PEBB retiree medical and dental benefits only if application is made within sixty days after the date of notice from DRS.

(2) All premium due from the date of eligibility established by DRS, or the date of the DRS decision letter, at the option of the retiree, must be sent with the application to HCA.

(3) The administrator may make an exception to the date PEBB retiree benefits commence or payment of premiums; however, such requests must demonstrate extraordinary circumstances beyond the control of the retiree.

[Statutory Authority: RCW 41.05.160 and 41.05.165. 03-17-031 (Order 02-07), § 182-12-124, filed 8/14/03, effective 9/14/03.]

WAC 182-12-132 Deferring coverage at or following retirement. (1)(a) Beginning January 1, 2001, retirees may defer enrollment in PEBB medical and dental coverage for themselves and all dependents at or following retirement if they are covered under another comprehensive employer sponsored medical plan as an active employee or as the spouse or same sex domestic partner of an active employee, or as a retiree or dependent of the spouse's or employee's retirement coverage from a federal retiree plan.

(b) In order to defer medical and dental coverage, the retiree must submit to the health care authority a PEBB enrollment form indicating a desire to defer coverage. The notice of deferral must be received by the HCA prior to the date coverage is deferred or within sixty days of the date the retiree is eligible to apply for PEBB sponsored retiree benefits.

(c) When the retiree again ceases active employment, the retiree may enroll in PEBB medical and dental coverage with satisfactory evidence of continuous comprehensive employer-sponsored coverage within sixty days after the last day of the retiree's other coverage.

(d) PEBB coverage will become effective the first of the month following the date other coverage ended.

(2) Election of retiree term life coverage may not be deferred during periods of other coverage or otherwise.

(3) Retirees and their eligible dependents who defer PEBB medical and dental coverage while enrolled as a retiree or dependent in a federal retiree plan will have a one-time opportunity to reenroll in PEBB medical and dental coverage. To reenroll in PEBB medical and dental coverage, retirees or their surviving dependents, must submit an enrollment form and proof of continuous enrollment in a federal retiree medical plan to the HCA either: (a) During any open enrollment period determined by the HCA; or (b) within sixty days after the date their other coverage ends.

[Statutory Authority: RCW 41.05.160 and 41.05.165. 03-17-031 (Order 02-07), § 182-12-132, filed 8/14/03, effective 9/14/03. Statutory Authority: RCW 41.05.160. 02-18-087 (Order 02-02), § 182-12-132, filed 9/3/02, effective 10/4/02; 01-01-126 (Order 00-02), § 182-12-132, filed 12/19/00, effective 1/19/01; 97-21-127, § 182-12-132, filed 10/21/97, effective 11/21/97. Statutory Authority: Chapter 41.05 RCW. 96-08-043, § 182-12-132, filed 3/29/96, effective 4/29/96; 80-05-016 (Order 2-80), § 182-12-132, filed 4/10/80.]

WAC 182-12-145 Insurance eligibility for higher education. For the purpose of insurance eligibility, the HCA

considers the higher education personnel board, the council for post secondary education, and the state board for community colleges to be higher education agencies.

[Statutory Authority: RCW 41.05.160 and 41.05.165. 03-17-031 (Order 02-07), § 182-12-145, filed 8/14/03, effective 9/14/03. Statutory Authority: Chapter 41.05 RCW. 96-08-043, § 182-12-145, filed 3/29/96, effective 4/29/96; Order 5646, § 182-12-145, filed 2/9/76.]

WAC 182-12-220 Eligibility during appeal of dismissal. (1) Employees awaiting hearing of a dismissal action before the personnel appeals board, higher education personnel board or court may continue their PEBB coverages by self-payment of premium on the same terms as an employee who is granted leave without pay.

(2) If the hearing board or court upholds the dismissal, all coverages shall terminate at the end of the month in which the board or court's decision is made or the date to which premiums have been paid, whichever is earlier.

(3)(a) If the hearing board or court sustains the employee in the appeal and directs reinstatement of employer paid coverages retroactively, the employer must forward to the HCA the full employer contribution for the period directed by the hearing board or court and collect from the employee the employee's share of premiums due, if any.

(b) The HCA will refund to the employee any premiums the employee paid that will be provided for by the reinstatement of the employer contribution provided the employee makes retroactive payment of any employee contribution amounts associated with the coverage.

(c) All optional life and long term disability insurance which was in force at the time of dismissal shall be reinstated retroactively, provided the employee makes retroactive payment of premium for any such optional coverage which was not continued by self-payment during the appeal process. If the employee chooses not to pay the retroactive premium, evidence of insurability will be required to obtain such optional coverage.

[Statutory Authority: RCW 41.05.160 and 41.05.165. 03-17-031 (Order 02-07), § 182-12-220, filed 8/14/03, effective 9/14/03. Statutory Authority: RCW 41.05.160. 02-18-088 (Order 02-03), § 182-12-220, filed 9/3/02, effective 10/4/02. Statutory Authority: Chapter 41.05 RCW. 96-08-043, § 182-12-220, filed 3/29/96, effective 4/29/96; 86-16-061 (Resolution No. 86-3), § 182-12-220, filed 8/5/86.]

Chapter 182-25 WAC
WASHINGTON BASIC HEALTH PLAN

WAC

182-25-010 Definitions.
182-25-031 Repealed.
182-25-090 Disenrollment from BHP.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

182-25-031 Transition coverage. [Statutory Authority: RCW 70.47.050, 70.47.060 and 70.47.100. 99-24-005 (Order 99-06), § 182-25-031, filed 11/18/99, effective 12/19/99.] Repealed by 03-24-041 (Order 03-04), filed 11/26/03, effective 12/27/03. Statutory Authority: RCW 70.47.050.

WAC 182-25-010 Definitions. The following definitions apply throughout these rules.

(1) "Administrator" means the administrator of the Washington state health care authority (HCA) or designee.

(2) "Appeal procedure" means a formal written procedure for resolution of problems or concerns raised by enrollees which cannot be resolved in an informal manner to the enrollee's satisfaction.

(3) "Basic health plan" (or BHP) means the system of enrollment and payment for basic health care services administered by the administrator through managed health care systems.

(4) "BHP plus" means the program of expanded benefits available to children through coordination between the department of social and health services (DSHS) and basic health plan. Eligibility for BHP Plus is determined by the department of social and health services, based on Medicaid eligibility criteria. To be eligible for the program children must be under age nineteen, with a family income at or below two hundred percent of federal poverty level, as defined by the United States Department of Health and Human Services. They must be Washington state residents, not eligible for Medicare, and may be required to meet additional DSHS eligibility requirements.

(5) "Co-payment" means a payment indicated in the schedule of benefits which is made by an enrollee to a health care provider or to the MHCS.

(6) "Covered services" means those services and benefits in the BHP schedule of benefits (as outlined in the member handbook issued to the enrollee, or to a subscriber on behalf of the enrollee), which an enrollee shall be entitled to receive from a managed health care system in exchange for payment of premium and applicable co-payments.

(7) "Disenrollment" means the termination of covered services in BHP for a subscriber and dependents, if any.

(8) "Effective date of enrollment" means the first date, as established by BHP, on which an enrollee is entitled to receive covered services from the enrollee's respective managed health care system.

(9) "Dependent" means:

(a) The subscriber's lawful spouse, not legally separated, who resides with the subscriber; or

(b) The unmarried child of the subscriber or the subscriber's dependent spouse, whether by birth, adoption, legal guardianship, or placement pending adoption, who is:

(i) Younger than age nineteen, and who has not been relinquished for adoption by the subscriber or the subscriber's dependent spouse; or

(ii) Younger than age twenty-three, and a registered student at an accredited secondary school, college, university, technical college, or school of nursing, attending full time, other than during holidays, summer and scheduled breaks; or

(c) A person of any age who is incapable of self-support due to disability, and who is the unmarried child of the subscriber or the subscriber's dependent spouse, whether by birth, adoption, or legal guardianship; or

(d) An unmarried child younger than age nineteen who is residing with the subscriber under an informal guardianship agreement. For a child to be considered a dependent of the subscriber under this provision:

(i) The guardianship agreement must be signed by the child's parent;

(ii) The guardianship agreement must authorize the subscriber to obtain medical care for the child;

(iii) The subscriber must be providing at least fifty percent of the child's support; and

(iv) The child must be on the account for BHP coverage.

(10) "Eligible full-time employee" means an employee who meets all eligibility requirements in WAC 182-25-030 and who is regularly scheduled to work thirty or more hours per week for an employer. The term includes a self-employed individual (including a sole proprietor or a partner of a partnership, and may include an independent contractor) if the individual:

(a) Is regularly scheduled to work thirty hours or more per week; and

(b) Derives at least seventy-five percent of his or her income from a trade or business that is licensed to do business in Washington.

Persons covered under a health benefit plan pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1986 shall not be considered eligible employees for purposes of minimum participation requirements.

(11) "Eligible part-time employee" means an employee who meets all the criteria in subsection (10) of this section, but who is regularly scheduled to work fewer than thirty hours per week for an employer.

(12) "Employee" means one who is in the employment of an employer, as defined by RCW 50.04.080.

(13) "Employer" means an enterprise licensed to do business in Washington state, as defined by RCW 50.04.080, with employees in addition to the employer, whose wages or salaries are paid by the employer.

(14) "Enrollee" means a person who meets all eligibility requirements, who is enrolled in BHP, and for whom applicable premium payments have been made.

(15) "Family" means an individual or an individual and spouse, if not legally separated, and dependents. For purposes of eligibility determination and enrollment in the plan, an individual cannot be a member of more than one family.

(16) "Financial sponsor" means a person, organization or other entity, approved by the administrator, that is responsible for payment of all or a designated portion of the monthly premiums on behalf of a subscriber and any dependents.

(17) "Gross family income" means total cash receipts, as defined in (a) of this subsection, before taxes, from all sources, for subscriber and dependents whether or not they are enrolled in BHP, with the exceptions noted in (b) of this subsection. An average of documented income received over a period of several months will be used for purposes of eligibility determination, unless documentation submitted confirms a change in circumstances so that an average would not be an accurate reflection of current income. A twelve-month average will be used when calculating gambling income, lump-sum payments, and income from capital gains. A twelve-month history of receipts and expenses will be required for calculating self-employment or rental income unless the applicant or enrollee has not owned the business for at least twelve months.

(a) Income includes:

(i) Wages, tips and salaries before any deductions;

(ii) Net receipts from nonfarm self-employment (receipts from a person's own business, professional enterprise, or partnership, after deductions for business expenses). In calculating net self-employment income, deductions will not be allowed for noncash-flow items such as depreciation, amortization, or business use of home, and a net loss from this calculation will not be used to offset other income sources;

(iii) Net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses). In calculating net self-employment income, deductions will not be allowed for noncash-flow items such as depreciation, amortization, or business use of home, and a net loss from this calculation will not be used to offset other income sources;

(iv) Periodic payments from Social Security, railroad retirement, military pension or retirement pay, military disability pensions, military disability payments, government employee pensions, private pensions, unemployment compensation, and strike benefits from union funds;

(v) One-time insurance payments other than reimbursement for a loss, periodic insurance or annuity payments, and compensation for injury other than reimbursement for medical costs, including workers' compensation;

(vi) Public assistance, alimony, child support, and military family allotments;

(vii) Work study, assistantships, or training stipends;

(viii) Dividends and interest accessible to the enrollee without a penalty for early withdrawal;

(ix) Net rental income, net royalties, and net gambling or lottery winnings;

(x) Lump sum inheritances and periodic receipts from estates or trusts; and

(xi) Net income from capital gains.

(b) Income does not include the following types of money received:

(i) Any assets drawn down as withdrawals from a bank, the sale of property, a house or a car;

(ii) Tax refunds, gifts, loans;

(iii) Noncash receipts, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, goods or services received due to payments a trust makes to a third party, and such noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, state supplementary payment income that is specifically dedicated to reimburse for services received, and housing assistance;

(iv) Income earned by dependent children with the exception of distributions from a corporation, partnership, or business;

(v) Income of a family member who resides in another household when such income is not available to the subscriber or dependents seeking enrollment in BHP;

(vi) College or university scholarships, grants, and fellowships;

(vii) Payments from the department of social and health services adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145;

(viii) Documented child care expenses for the care of a dependent child of a subscriber may be deducted (at a rate set by the administrator and consistent with Internal Revenue

Service requirements) when calculating gross family income. To qualify for this deduction:

(A) The subscriber and the spouse listed as a dependent on the account, if any, must be employed or attending school full-time during the time the child care expenses were paid; and

(B) Payment may not be paid to a parent or stepparent of the child or to a dependent child of the subscriber or his/her spouse.

(18) "Home care agency" means a private or public agency or organization that administers or provides home care services directly or through a contract arrangement to ill, disabled, or infirm persons in places of temporary or permanent residence, and is licensed by the department of social and health services (DSHS) as a home care agency. In order to qualify, the agency must be under contract with one of the following DSHS programs: Chore, Medicaid Personal Care, Community Options Program Entry System (COPES) or Respite Care (up to level three).

(19) "Institution" means a federal, state, county, city or other government correctional or detention facility or government-funded facility where health care historically has been provided and funded through the budget of the operating agency, and includes, but is not limited to: Washington state department of corrections institutions; federal, county and municipal government jail and detention institutions; Washington state department of veterans affairs soldiers' and veterans' homes; department of social and health services state hospitals and facilities and juvenile rehabilitation institutions and group homes. An institution does not include: Educational institutions; government-funded acute health care or mental health facilities except as provided above; chemical dependency facilities; and nursing homes.

(20) "Institutionalized" means to be confined, voluntarily or involuntarily, by court order or health status, in an institution, as defined in subsection (19) of this section. This does not include persons on work release or who are residents of higher education institutions, acute health care facilities, alcohol and chemical dependency facilities, or nursing homes.

(21) "Insurance broker" or "agent" means a person who is currently licensed as a disability insurance broker or agent, according to the laws administered by the office of the insurance commissioner under chapter 48.17 RCW.

(22) "Managed health care system" (or "MHCS") means:

(a) Any health care organization (including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof) which has entered into a contract with the HCA to provide basic health care services; or

(b) A self-funded or self-insured method of providing insurance coverage to subsidized enrollees provided under RCW 41.05.140 and subject to the limitations under RCW 70.47.100(7).

(23) "Maternity benefits through medical assistance," also known as S-Medical, means the coordinated program between BHP and DSHS for eligible pregnant women. This program includes all Medicaid benefits, including maternity coverage. Eligible members must be at or below one hundred eighty-five percent of the federal poverty level. Eligibility for this program is determined by DSHS, based on Medicaid eligibility criteria.

(24) "Medicaid" means the Title XIX Medicaid program administered by the department of social and health services, and includes the medical care programs provided to the "categorically needy" and the "medically needy" as defined in chapter 388-503 WAC.

(25) "Medicare" means programs established by Title XVIII of Public Law 89-97, as amended, "Health Insurance for the Aged and Disabled."

(26) "Nonsubsidized enrollee" or "full premium enrollee" means an individual who enrolls in BHP, as the subscriber or dependent, and who pays or on whose behalf is paid the full costs for participation in BHP, without subsidy from the HCA.

(27) "Open enrollment" means a time period designated by the administrator during which enrollees may enroll additional dependents or apply to transfer their enrollment from one managed health care system to another.

(28) "Participating employee" means an employee of a participating employer or home care agency who has met all the eligibility requirements and has been enrolled for coverage under BHP.

(29) "Participating employer" means an employer who has been approved for enrollment in BHP as an employer group.

(30) "Preexisting condition" means any illness, injury or condition for which, in the six months immediately preceding an enrollee's effective date of enrollment in BHP:

(a) Treatment, consultation or a diagnostic test was recommended for or received by the enrollee; or

(b) Medication was prescribed or recommended for the enrollee; or

(c) Symptoms existed which would ordinarily cause a reasonably prudent individual to seek medical diagnosis, care or treatment.

(31) "Premium" means a periodic payment, based upon gross family income and determined under RCW 70.47.060(2), which an individual, their employer or a financial sponsor makes to BHP for subsidized or nonsubsidized enrollment in BHP.

(32) "Program" means subsidized BHP, nonsubsidized BHP, BHP Plus, or maternity benefits through medical assistance.

(33) "Provider" or "health care provider" means a health care professional or institution duly licensed and accredited to provide covered services in the state of Washington.

(34) "Rate" means the amount, including administrative charges and any applicable premium and prepayment tax imposed under RCW 48.14.020, negotiated by the administrator with and paid to a managed health care system, to provide BHP health care benefits to enrollees.

(35) "Schedule of benefits" means the basic health care services adopted and from time to time amended by the administrator, which an enrollee shall be entitled to receive from a managed health care system in exchange for payment of premium and applicable co-payments, as described in the member handbook.

(36) "Service area" means the geographic area served by a managed health care system as defined in its contract with HCA.

(37) "Subscriber" is a person who applies to BHP on his/her own behalf and/or on behalf of his/her dependents, if any, who meets all applicable eligibility requirements, is enrolled in BHP, and for whom the monthly premium has been paid. Notices to a subscriber and, if applicable, a financial sponsor or employer shall be considered notice to the subscriber and his/her enrolled dependents.

(38) "Subsidized enrollee" or "reduced premium enrollee" means an individual who enrolls in BHP, either as the subscriber or an eligible dependent, whose current gross family income does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal Department of Health and Human Services, and who receives a premium subsidy from the HCA. To the extent that state funds are specifically appropriated for this purpose, with a corresponding federal match, "subsidized enrollee" also means an individual who enrolls in BHP, either as the subscriber or an eligible dependent, whose current gross family income is more than two hundred percent, but less than two hundred fifty-one percent, of the federal poverty level as adjusted for family size and determined annually by the federal Department of Health and Human Services, and who receives a premium subsidy from the HCA.

(39) "Subsidy" means the difference between the amount of periodic payment the HCA makes to a managed health care system on behalf of a subsidized enrollee, and the amount determined to be the subsidized enrollee's responsibility under RCW 70.47.060(2).

(40) "Washington state resident" or "resident," for purposes of this chapter, means a person who physically resides and maintains a residence in the state of Washington.

(a) To be considered a Washington resident, enrollees who are temporarily out of Washington state for any reason:

(i) May be required to demonstrate their intent to return to Washington state; and

(ii) May not be out of Washington state for more than three consecutive calendar months.

(b) Dependent children who meet the requirements of subsection (9)(b)(ii) of this section and are attending school out-of-state may be considered to be residents if they are out-of-state during the school year, provided their primary residence is in Washington state and they return to Washington state during breaks. Dependent children attending school out-of-state may also be required to provide proof that they pay out-of-state tuition, vote in Washington state and file their federal income taxes using a Washington state address.

(c) "Residence" may include, but is not limited to:

(i) A home the person owns or is purchasing or renting;

(ii) A shelter or other physical location where the person is staying in lieu of a home; or

(iii) Another person's home.

[Statutory Authority: RCW 70.47.050, 70.47.020(4) and 70.47.060 (5) and (9). 03-18-039 (Order 02-01), § 182-25-010, filed 8/27/03, effective 10/1/03. Statutory Authority: RCW 70.47.050, 70.47.020 (4) and (5), 70.47.060 (9) and (10), 74.08A.100 and 2002 c 371. 02-24-051 (Order 02-06), § 182-25-010, filed 12/3/02, effective 1/1/03. Statutory Authority: RCW 70.47.050. 01-09-001 (Order 00-08), § 182-25-010, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 70.47.050 and 70.47.020 as revised by E2SSB 6067. 01-01-134 (Order 00-04), § 182-25-010, filed 12/20/00, effective 1/20/01. Statutory Authority: RCW 70.47.050, 70.47.060 and 70.47.100. 99-24-005 (Order 99-06), § 182-25-010, filed 11/18/99, effective 12/19/99. Statutory Authority: RCW 70.47.050, 70.47.060(9) and SHB 2556. 98-15-018, § 182-25-010, filed 7/6/98, effective 8/6/98. Statutory Authority: RCW 70.47.050. 98-07-002, § 182-25-010, filed 3/5/98, effective 4/5/98; 97-15-003, § 182-25-010, filed 7/3/97, effective 8/3/97; 96-15-024, § 182-25-010, filed 7/9/96, effective 8/9/96.]

WAC 182-25-031 Repealed. See Disposition Table at beginning of this chapter.

WAC 182-25-090 Disenrollment from BHP. (1) An enrollee or employer group may disenroll effective the first day of any month by giving BHP at least ten days prior notice of the intention to disenroll.

(2) BHP may disenroll any enrollee or group from BHP for good cause, which includes:

(a) Failure to meet the eligibility requirements set forth in WAC 182-25-030, 182-25-050, 182-25-060, and 182-25-070;

(b) Nonpayment of premium under the provisions of subsection (6) of this section;

(c) Changes in MHCS or program availability when the enrollee's MHCS will no longer be available to him or her and no other MHCS in the area where the enrollee lives is accepting new enrollment in the enrollee's program;

(d) Repeated failure to pay co-payments, coinsurance, or other cost-sharing in full on a timely basis;

(e) Fraud, intentional misrepresentation of information or withholding information that the enrollee knew or should have known was material or necessary to accurately determine their eligibility or premium responsibility, failure to provide requested verification of eligibility or income, or knowingly providing false information;

(f) Abuse or intentional misconduct;

(g) Danger or threat to the safety or property of the MHCS or the health care authority or their staff, providers, patients or visitors; and

(h) Refusal to accept or follow procedures or treatment determined by a MHCS to be essential to the health of the enrollee, when the MHCS has advised the enrollee and demonstrated to the satisfaction of BHP that no professionally acceptable alternative form of treatment is available from the MHCS.

(3) In addition to being disenrolled, any enrollee who knowingly provides false information to BHP or to a participating managed health care system may be held financially responsible for any covered services fraudulently obtained through BHP.

(4) At least ten days prior to the effective date of disenrollment under subsection (2)(a) and (c) through (h) of this section, BHP will send enrollees written notice of disenrollment.

(a) The notice of disenrollment will:

(i) State the reason for the disenrollment;

(ii) State the effective date of the disenrollment;

(iii) Describe the procedures for disenrollment; and

(iv) Inform the enrollee of his or her right to appeal the disenrollment decision as set forth in WAC 182-25-100 and 182-25-105.

(b) The notice of disenrollment will be sent to both the employer or sponsor and to all members of an employer group, home care agency group or financial sponsor group that is disenrolled under these provisions. Enrollees affected by the disenrollment of a group account will be offered cov-

erage under individual accounts. Coverage under individual accounts will not begin unless the premium for individual coverage is paid by the due date for the coverage month. A one-month break in coverage may occur for enrollees who choose to transfer to individual accounts.

(5) Enrollees covered under BHP Plus or receiving maternity benefits through medical assistance will not be disenrolled from those programs when other family members lose BHP coverage, as long as they remain eligible for those programs.

(6) Under the provisions of this subsection, BHP will suspend or disenroll enrollees and groups who do not pay their premiums when due, including amounts owed for subsidy overpayment, if any. Partial payment or payment by check which cannot be processed or is returned due to nonsufficient funds will be regarded as nonpayment.

(a) At least ten days before coverage will lapse, BHP will send a delinquency notice to each subscriber whose premium payment has not been received by the due date. The delinquency notice will include a final due date and a notice that BHP coverage will lapse unless payment is received by the final due date.

(b) Except as provided in (c) of this subsection, coverage will be suspended for one month if an enrollee's premium payment is not received by the final due date, as shown on the delinquency notice. BHP will send written notice of suspension to the subscriber, which will include:

(i) The effective date of the suspension;

(ii) The due date by which payment must be received to restore coverage after the one-month suspension;

(iii) Notification that the subscriber and any enrolled dependents will be disenrolled if payment is not received by the final due date; and

(iv) Instructions for filing an appeal under WAC 182-25-105.

(c) Enrollees whose premium payment has not been received by the delinquency due date, and who have been suspended twice within the previous twelve months will be disenrolled for nonpayment as of the effective date of the third suspension.

(d) Enrollees who are suspended and do not pay the premium for the next coverage month by the due date on the notice of suspension will be immediately disenrolled and issued a notice of disenrollment, which will include:

(i) The effective date of the disenrollment; and

(ii) Instructions for filing an appeal under WAC 182-25-105.

(7)(a) Enrollees who voluntarily disenroll or are disenrolled from BHP may not reenroll for a period of twelve months from the date their coverage ended and until all other requirements for enrollment have been satisfied. An exception to this provision will be made for:

(i) Enrollees who left BHP for other health insurance, who are able to provide proof of continuous coverage from the date of disenrollment, and who apply to reenroll in BHP within thirty days of losing the other coverage;

(ii) Enrollees who left BHP because they lost eligibility and who subsequently become eligible to reenroll; and

(iii) Persons enrolling in subsidized BHP, who had enrolled and subsequently disenrolled from nonsubsidized BHP under subsection (1) or (2)(b) of this section while waiting on a reservation list for subsidized coverage.

(iv) Enrollees who were disenrolled by BHP because no MHCS was contracted to serve the program in which they were enrolled in the geographic area where they live; these enrollees may reenroll, provided all enrollment requirements are met, if a MHCS begins accepting enrollment for their program in their area or if they become eligible and apply for another BHP program.

(v) Enrollees who were disenrolled for failing to provide requested documentation of income or eligibility, who had attempted to comply with the request but were unable to meet the due date, and who provide all required documentation within six months of disenrollment and are eligible to reenroll.

(b) An enrollee who is required to wait twelve months for reenrollment under (a) of this subsection may not reenroll prior to the end of the required twelve-month wait. If an enrollee satisfies the required twelve-month wait after applying for subsidized coverage and while waiting to be offered coverage, enrollment will not be completed until funding is available to enroll him or her.

[Statutory Authority: RCW 70.47.050. 03-24-040 (Order 03-05), § 182-25-090, filed 11/26/03, effective 12/27/03. Statutory Authority: RCW 70.47.050, 70.47.060(9), and 2002 c 371 § 212(5). 02-19-054 (Order 01-07), § 182-25-090, filed 9/12/02, effective 10/13/02. Statutory Authority: RCW 70.47.050, 70.47.060 and 70.47.100. 99-24-005 (Order 99-06), § 182-25-090, filed 11/18/99, effective 12/19/99. Statutory Authority: RCW 70.47.050, 70.47.060 and 70.47.090. 99-12-033 (Order 99-01), § 182-25-090, filed 5/26/99, effective 6/26/99. Statutory Authority: RCW 70.47.050. 98-07-002, § 182-25-090, filed 3/5/98, effective 4/5/98; 97-15-003, § 182-25-090, filed 7/3/97, effective 8/3/97; 96-15-024, § 182-25-090, filed 7/9/96, effective 8/9/96.]

Title 192 WAC

EMPLOYMENT SECURITY DEPARTMENT

Chapters

192-16	**Interpretative regulations of the commissioner of the employment security department.**
192-240	**Extended benefits.**
192-330	**Collections and refunds.**

Chapter 192-16 WAC

INTERPRETATIVE REGULATIONS OF THE COMMISSIONER OF THE EMPLOYMENT SECURITY DEPARTMENT

WAC

192-16-033	Repealed.
192-16-036	Repealed.
192-16-040	Repealed.
192-16-042	Repealed.
192-16-045	Repealed.
192-16-047	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

192-16-033	Interpretive regulation—Regular shareable benefits defined. [Statutory Authority: RCW 50.12.010 and 50.12.040. 81-13-016 (Order 2-81), § 192-16-033, filed 6/11/81.] Repealed by 03-06-038, filed 2/26/03, effective 3/29/03. Statutory Authority: RCW 50.12.010 and 50.12.040.
192-16-036	Interpretive regulation—Requalification for regular shareable, extended, or additional benefits under RCW 50.20.050(4). [Statutory Authority: RCW 50.12.010 and 50.12.040. 94-22-043, § 192-16-036, filed 10/28/94, effective 11/28/94; 82-17-052 (Order 6-82), § 192-16-036, filed 8/17/82; 81-13-016 (Order 2-81), § 192-16-036, filed 6/11/81.] Repealed by 03-06-038, filed 2/26/03, effective 3/29/03. Statutory Authority: RCW 50.12.010 and 50.12.040.
192-16-040	Interpretive regulation—Good prospects of obtaining work within a reasonably short period of time under RCW 50.22.020(3)—Shareable, extended, or additional benefits. [Statutory Authority: RCW 50.12.010 and 50.12.040. 94-22-043, § 192-16-040, filed 10/28/94, effective 11/28/94; 82-17-052 (Order 6-82), § 192-16-040, filed 8/17/82; 81-13-016 (Order 2-81), § 192-16-040, filed 6/11/81.] Repealed by 03-06-038, filed 2/26/03, effective 3/29/03. Statutory Authority: RCW 50.12.010 and 50.12.040.
192-16-042	Interpretive regulation—Failure to apply for or accept work under RCW 50.22.020 (4)(b)—Shareable, extended, or additional benefits. [Statutory Authority: RCW 50.12.010 and 50.12.040. 94-22-043, § 192-16-042, filed 10/28/94, effective 11/28/94; 82-17-052 (Order 6-82), § 192-16-042, filed 8/17/82; 81-13-016 (Order 2-81), § 192-16-042, filed 6/11/81.] Repealed by 03-06-038, filed 2/26/03, effective 3/29/03. Statutory Authority: RCW 50.12.010 and 50.12.040.
192-16-045	Interpretive regulation—Disqualification for failing to accept an offer of or to apply for suitable work—Shareable, extended, or additional benefits. [Statutory Authority: RCW 50.12.010 and 50.12.040. 94-22-043, § 192-16-045, filed 10/28/94, effective 11/28/94; 82-17-052 (Order 6-82), § 192-16-045, filed 8/17/82; 81-13-016 (Order 2-81), § 192-16-045, filed 6/11/81.] Repealed by 03-06-038, filed 2/26/03, effective 3/29/03. Statutory Authority: RCW 50.12.010 and 50.12.040.
192-16-047	Interpretive regulation—Interpretation of requirements of RCW 50.22.020(5)—Tangible evidence of a systematic and sustained effort to obtain work—Shareable, extended, or additional benefits. [Statutory Authority: RCW 50.12.010 and 50.12.040. 94-22-043, § 192-16-047, filed 10/28/94, effective 11/28/94; 82-17-052 (Order 6-82), § 192-16-047, filed 8/17/82; 81-13-016 (Order 2-81), § 192-16-047, filed 6/11/81.] Repealed by 03-06-038, filed 2/26/03, effective 3/29/03. Statutory Authority: RCW 50.12.010 and 50.12.040.

WAC 192-16-033 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-16-036 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-16-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-16-042 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-16-045 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-16-047 Repealed. See Disposition Table at beginning of this chapter.

Chapter 192-240 WAC
EXTENDED BENEFITS

WAC

192-240-010	Regular shareable benefits defined.
192-240-015	How to apply for extended benefits.
192-240-020	Suitable work provisions—Regular shareable and extended benefits—RCW 50.22.020 (3) and (4).
192-240-025	Failure to apply for or accept suitable work—RCW 50.22.020 (4)(b)—Regular shareable and extended benefits.
192-240-030	Job search requirements to receive regular shareable or extended benefits—RCW 50.22.020(5).
192-240-035	How to qualify for regular shareable or extended benefits after leaving work for marital or domestic reasons—RCW 50.22.020(7).
192-240-040	Penalties.
192-240-045	Moving to a state in an extended benefit period.

WAC 192-240-010 Regular shareable benefits defined. The term "regular shareable benefits" means regular benefits in excess of 26 times your weekly benefit amount that are paid during an extended benefit period.

[Statutory Authority: RCW 50.12.010 and 50.12.040. 03-06-038, § 192-240-010, filed 2/26/03, effective 3/29/03.]

WAC 192-240-015 How to apply for extended benefits. File your application for extended benefits by placing a telephone call to an unemployment claims telecenter. The commissioner can authorize other filing methods in unusual circumstances or for the convenience of the department.

[Statutory Authority: RCW 50.12.010 and 50.12.040. 03-06-038, § 192-240-015, filed 2/26/03, effective 3/29/03.]

WAC 192-240-020 Suitable work provisions—Regular shareable and extended benefits—RCW 50.22.020 (3) and (4). (1) An individual receiving benefits must be available for suitable work. Except as provided in subsection (2), any job is considered suitable for an individual receiving regular shareable or extended benefits unless:

(a) It is not within your capabilities;

(b) The position is vacant because of a labor dispute, working conditions are substantially less favorable than similar work in the area, or you would be required to join or resign from a union or labor organization (see RCW 50.20.110);

(c) The gross weekly pay is less than your weekly benefit amount, plus any supplemental unemployment benefits you receive from your former employer; or

(d) The job pays less than the higher of the federal or state minimum wage.

(2) If you can demonstrate that you have good prospects of returning to work in your customary occupation within a reasonably short period of time, suitable work is considered to be work in keeping with your prior work experience, education, or training. "Good prospects for work" means you have:

(a) A definite recall or hire date within four weeks; or

(b) A probable recall or hire date within four weeks, based on an extremely favorable position on a union out-of-work list, seasonal factors, or historical experience.

[Statutory Authority: RCW 50.12.010 and 50.12.040. 03-06-038, § 192-240-020, filed 2/26/03, effective 3/29/03.]

WAC 192-240-025 Failure to apply for or accept suitable work—RCW 50.22.020 (4)(b)—Regular shareable and extended benefits. (1) You will be denied regular shareable or extended benefits if you fail:

(a) To accept any offer of suitable work as defined in WAC 192-240-020; or

(b) To accept a referral, or to apply for suitable work, when referred by your local employment center, if the job was:

(i) Offered to you in writing, or

(ii) Listed with the department.

(2) The denial is for the week in which the refusal occurs and until you work in four weeks and earn four times your weekly benefit amount.

[Statutory Authority: RCW 50.12.010 and 50.12.040. 03-06-038, § 192-240-025, filed 2/26/03, effective 3/29/03.]

WAC 192-240-030 Job search requirements to receive regular shareable or extended benefits—RCW 50.22.020(5). (1) To be eligible for regular shareable or extended benefits, you must show evidence of a systematic and sustained effort to find work. Your efforts must be of a quality and frequency that clearly indicate you are making sincere efforts to immediately return to gainful employment.

(a) At a minimum, your efforts must include at least four job search contacts with employers during each week you claim benefits.

(b) If you are a member in good standing of a referral union, you must make three job search contacts each week in addition to contacting your union and complying with the union's requirements.

(i) Registration with another union local can constitute one job search contact if you are willing to travel or relocate to accept work in their jurisdiction.

(ii) You do not have to look for work that would jeopardize your union membership, but must look for other work you are capable of doing.

(iii) If you have been identified by the department as having good prospects of returning to work within four weeks because you have an extremely favorable position on the union out-of-work list, contact with your union each week fulfills the job search requirements of this section.

(2) Every week you file a claim for regular shareable or extended benefits, you must report your job search contacts to the department. For each job search contact you must report the date of the contact, the employer or union involved and its place of business, the method of contact, the type of work sought, and the results of the contact.

(3) You must keep a record or log of your job search contacts which contains the information required by WAC 192-180-015.

(4) The department may review your job search activities at any time. You must provide the department with a copy of your job search log upon request. Employer contacts will be verified by the department as needed.

(5) The department will consider you to have met the job search requirements of this section and of RCW 50.22.020(5) for any week in which you participate in a training program that is approved by the commissioner.

(6) The job search requirements under this section and RCW 50.20.020(5) are waived for any week in which you are unable to conduct a job search because you are serving on jury duty. See RCW 50.20.117.

[Statutory Authority: RCW 50.12.010 and 50.12.040. 03-06-038, § 192-240-030, filed 2/26/03, effective 3/29/03.]

WAC 192-240-035 How to qualify for regular shareable or extended benefits after leaving work for marital or domestic reasons—RCW 50.22.020(7). If you were denied benefits because you left work for family reasons as provided in RCW 50.20.050(4), you could qualify for regular benefits either through work and earnings or by reporting in person to your local employment center for each of ten weeks. However, you are not eligible for regular shareable or extended benefits unless, after leaving work, you obtained work and earned wages of seven times your weekly benefit amount. The wages earned must be in employment that is covered by Title 50 RCW or the comparable laws of another state or the federal government.

[Statutory Authority: RCW 50.12.010 and 50.12.040. 03-06-038, § 192-240-035, filed 2/26/03, effective 3/29/03.]

WAC 192-240-040 Penalties. (1) If you claim regular shareable or extended benefits during a week in which you failed to accept any offer of work, or failed to accept a referral or apply for any work as directed by the department:

(a) Benefits will be denied under RCW 50.20.080 if the work was suitable as defined by RCW 50.20.100 and 50.20.110, and you did not have good cause for failing to apply for or accept work;

(b) If benefits are denied as provided in subsection (1)(a), you will also be denied benefits as provided in RCW 50.22.020;

(c) Benefits will be denied under only RCW 50.22.020 if the work was suitable as provided in that statute and WAC 192-240-020, but did not meet the provisions of RCW 50.20.100 and 50.20.080.

(2) If you claim regular shareable or extended benefits during a week in which you failed to meet the job search requirements of WAC 192-240-030, benefits will be denied under RCW 50.22.020, except as provided in subsection (4).

(3) A denial of benefits under RCW 50.22.020 starts the week in which the failure occurs, and continues indefinitely until you show that:

(a) You have worked in at least four weeks; and

(b) You have earned at least four times your weekly benefit amount. The employment does not need to be covered by Title 50 RCW.

(4) If you fail to meet the job search requirements of WAC 192-240-030 because you are hospitalized for treatment of an emergency or life-threatening condition, benefits will be denied under RCW 50.20.010(3). The denial period is only for the week or weeks in which the hospitalization occurred.

[Statutory Authority: RCW 50.12.010 and 50.12.040. 03-06-038, § 192-240-040, filed 2/26/03, effective 3/29/03.]

WAC 192-240-045 Moving to a state in an extended benefit period. RCW 50.22.030(2) provides that you are only eligible for two weeks of extended benefit payments if you live in a state that is not in an extended benefit period. If

you subsequently move to a state that is in an extended benefit period, you may be eligible for further extended benefit payments under RCW 50.22.020 beginning with the first full week in which you reside in that state.

[Statutory Authority: RCW 50.12.010 and 50.12.040. 03-06-038, § 192-240-045, filed 2/26/03, effective 3/29/03.]

Chapter 192-330 WAC
COLLECTIONS AND REFUNDS

WAC

192-330-110 Delinquencies.
192-330-150 Tribes and tribal entities—RCW 50.50.040.
192-330-155 Notification to tribes.

WAC 192-330-110 Delinquencies. RCW 50.29.025 (1)(f)(i) and (2)(c)(i) specifies the tax rate that shall be charged to employers who have failed to pay their contributions and who are not in compliance with a deferred payment contract. The tax rate established by that section shall also be assigned to a reimbursable employer (one who makes payments in lieu of contributions) who is delinquent in its payments and elects or is required to become a contribution-paying employer.

[Statutory Authority: RCW 50.12.010, 50.12.040. 03-22-032, § 192-330-110, filed 10/28/03, effective 11/28/03.]

WAC 192-330-150 Tribes and tribal entities—RCW 50.50.040. (1) In any revocation action, the department will treat the entire tribe as a single entity. If any tribal entity or unit becomes delinquent, the entire tribe will be treated as delinquent. If any entity of the tribe is a contribution-paying employer and is delinquent, the entire tribe will be treated as a contribution-paying employer and will be subject to revocation of coverage.

(2) The ninety and one hundred eighty day response periods begin with the date the tax statement is mailed to the employer by the department.

[Statutory Authority: RCW 50.12.010, 50.12.040. 03-22-032, § 192-330-150, filed 10/28/03, effective 11/28/03.]

WAC 192-330-155 Notification to tribes. (1) A copy of any notice of payment or reporting delinquency required by RCW 50.50.050, issued to a tribe or tribal unit, will be provided to the tribal chairperson and to such other person(s) designated by the tribe or tribal unit.

(2) The tribe will be responsible for notifying its employees of the potential loss of coverage.

[Statutory Authority: RCW 50.12.010, 50.12.040. 03-22-032, § 192-330-155, filed 10/28/03, effective 11/28/03.]

Title 197 WAC
ECOLOGY, DEPARTMENT OF (ENVIRONMENTAL POLICY, COUNCIL ON)

Chapters

197-11 SEPA rules.

Chapter 197-11 WAC
SEPA RULES
(Formerly chapter 197-10 WAC.)

WAC

197-11-070 Limitations on actions during SEPA process.
197-11-250 SEPA/Model Toxics Control Act integration.
197-11-310 Threshold determination required.
197-11-800 Categorical exemptions.
197-11-820 Department of licensing.
197-11-835 Department of fisheries.
197-11-850 Department of agriculture.
197-11-855 Department of ecology.
197-11-902 Agency SEPA policies.
197-11-904 Agency SEPA procedures.
197-11-908 Critical areas.

WAC 197-11-070 Limitations on actions during SEPA process. (1) Until the responsible official issues a final determination of nonsignificance or final environmental impact statement, no action concerning the proposal shall be taken by a governmental agency that would:

(a) Have an adverse environmental impact; or

(b) Limit the choice of reasonable alternatives.

(2) In addition, certain DNSs require a fourteen-day period prior to agency action (WAC 197-11-340(2)), and FEISs require a seven-day period prior to agency action (WAC 197-11-460(4)).

(3) In preparing environmental documents, there may be a need to conduct studies that may cause nonsignificant environmental impacts. If such activity is not exempt under WAC 197-11-800(17), the activity may nonetheless proceed if a checklist is prepared and appropriate mitigation measures taken.

(4) This section does not preclude developing plans or designs, issuing requests for proposals (RFPs), securing options, or performing other work necessary to develop an application for a proposal, as long as such activities are consistent with subsection (1).

[Statutory Authority: RCW 43.21A.090, chapter 43.21C RCW, RCW 43.21C.035, 43.21C.037, 43.21C.038, 43.21C.0381, 43.21C.0382, 43.21C.0383, 43.21C.110, 43.21C.222. 03-16-067 (Order 02-12), § 197-11-070, filed 8/1/03, effective 9/1/03. Statutory Authority: 1995 c 347 (ESHB 1724) and RCW 43.21C.110. 97-21-030 (Order 95-16), § 197-11-070, filed 10/10/97, effective 11/10/97. Statutory Authority: RCW 43.21C.110. 84-05-020 (Order DE 83-39), § 197-11-070, filed 2/10/84, effective 4/4/84.]

WAC 197-11-250 SEPA/Model Toxics Control Act integration. (1) WAC 197-11-253 through 197-11-268 integrate the procedural requirements and documents of this chapter with those required under the Model Toxics Control

Act (MTCA), chapter 70.105D RCW, and chapter 173-340 WAC.

(2) Both MTCA and SEPA provide opportunities for early public review of a proposal. The following sections contain procedures to combine the MTCA and SEPA processes to reduce duplication and improve public participation. These sections supplement the other requirements of this chapter. To the extent there is a conflict, these sections supersede any conflicting provisions of this chapter.

(3) WAC 197-11-253 through 197-11-268 apply to remedial actions as defined in RCW 70.105D.020(12) and conducted by ecology or by a potentially liable person (PLP) under an order, agreed order, or consent decree under MTCA. These sections do not apply to independent remedial actions; rather, the remainder of this chapter applies to independent remedial actions that are subject to SEPA.

(4) When the remedial action is part of a development proposal, the procedures in WAC 197-11-256 through 197-11-268 shall be used to combine the procedural requirements of SEPA and MTCA, to the extent practicable.

(5) To effectively integrate the procedural requirements of SEPA and MTCA, the SEPA elements of the environment that could be impacted need to be identified as early in the MTCA process as possible. Early consideration of SEPA facilitates identification of study areas prior to conducting the remedial investigation/ feasibility study (RI/FS) and effective, timely integration of SEPA and MTCA documents. The threshold determination may be delayed until later in the MTCA process.

(6) WAC 197-11-256 through 197-11-268 do not change the categorical exemption for information collection in WAC 197-11-800(17) or the emergency exemption in WAC 197-11-880.

(7) Interim actions (WAC 173-340-430) conducted as part of a remedial action conducted by ecology, or by a potentially liable person under an order, agreed order, or consent decree under MTCA are governed by WAC 197-11-268.

[Statutory Authority: RCW 43.21A.090, chapter 43.21C RCW, RCW 43.21C.035, 43.21C.037, 43.21C.038, 43.21C.0381, 43.21C.0382, 43.21C.0383, 43.21C.110, 43.21C.222. 03-16-067 (Order 02-12), § 197-11-250, filed 8/1/03, effective 9/1/03. Statutory Authority: RCW 43.21C.110. 95-08-041 (Order 94-22), § 197-11-250, filed 3/31/95, effective 5/1/95.]

WAC 197-11-310 Threshold determination required. (1) A threshold determination is required for any proposal which meets the definition of action and is not categorically exempt, subject to the limitations in WAC 197-11-600(3) concerning proposals for which a threshold determination has already been issued, or statutorily exempt as provided in chapter 43.21C RCW. A threshold determination is not required for a planned action (refer to WAC 197-11-164 through 197-11-172).

(2) The responsible official of the lead agency shall make the threshold determination, which shall be made as close as possible to the time an agency has developed or is presented with a proposal (WAC 197-11-784). If the lead agency is a GMA county/city, that agency must meet the timing requirements in subsection (6) of this section.

(3) The responsible official shall make a threshold determination no later than ninety days after the application and supporting documentation are determined to be complete. The applicant may request an additional thirty days for the threshold determination (RCW 43.21C.033).

(4) The time limit in subsection (3) of this section shall not apply to a county/city that:

(a) By ordinance adopted prior to April 1, 1992, has adopted procedures to integrate permit and land use decisions with SEPA requirements; or

(b) Is planning under RCW 36.70A.040 (GMA) and is subject to the requirements of subsection (6) of this section.

(5) All threshold determinations shall be documented in:

(a) A determination of nonsignificance (DNS) (WAC 197-11-340); or

(b) A determination of significance (DS) (WAC 197-11-360).

(6) When a GMA county/city with an integrated project review process under RCW 36.70B.060 is lead agency for a project, the following timing requirements apply:

(a) If a DS is made concurrent with the notice of application, the DS and scoping notice shall be combined with the notice of application (RCW 36.70B.110). Nothing in this subsection prevents the DS/scoping notice from being issued before the notice of application. If sufficient information is not available to make a threshold determination when the notice of application is issued, the DS may be issued later in the review process.

(b) Nothing in this section prevents a lead agency, when it is a project proponent or is funding a project, from conducting its review under SEPA or from allowing appeals of procedural determinations prior to submitting a project permit application.

(c) If an open record predecision hearing is required, the threshold determination shall be issued at least fifteen days before the open record predecision hearing (RCW 36.70B.110 (6)(b)).

(d) The optional DNS process in WAC 197-11-355 may be used to indicate on the notice of application that the lead agency is likely to issue a DNS. If this optional process is used, a separate comment period on the DNS may not be required (refer to WAC 197-11-355(4)).

[Statutory Authority: RCW 43.21A.090, chapter 43.21C RCW, RCW 43.21C.035, 43.21C.037, 43.21C.038, 43.21C.0381, 43.21C.0382, 43.21C.0383, 43.21C.110, 43.21C.222. 03-16-067 (Order 02-12), § 197-11-310, filed 8/1/03, effective 9/1/03. Statutory Authority: 1995 c 347 (ESHB 1724) and RCW 43.21C.110. 97-21-030 (Order 95-16), § 197-11-310, filed 10/10/97, effective 11/10/97. Statutory Authority: RCW 43.21C.110. 84-05-020 (Order DE 83-39), § 197-11-310, filed 2/10/84, effective 4/4/84.]

WAC 197-11-800 Categorical exemptions. The proposed actions contained in Part Nine are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305.

Note: The statutory exemptions contained in chapter 43.21C RCW are not included in Part Nine. Chapter 43.21C RCW should be reviewed in determining whether a proposed action not listed as categorically exempt in Part Nine is exempt by statute from threshold determination and EIS requirements.

(1) **Minor new construction—Flexible thresholds.**

(a) The exemptions in this subsection apply to all licenses required to undertake the construction in question, except when a rezone or any license governing emissions to the air or discharges to water is required. To be exempt under

this subsection, the project must be equal to or smaller than the exempt level. For a specific proposal, the exempt level in (b) of this subsection shall control, unless the city/county in which the project is located establishes an exempt level under (c) of this subsection. If the proposal is located in more than one city/county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency.

(b) The following types of construction shall be exempt, except when undertaken wholly or partly on lands covered by water:

(i) The construction or location of any residential structures of four dwelling units.

(ii) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.

(iii) The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for twenty automobiles.

(iv) The construction of a parking lot designed for twenty automobiles.

(v) Any landfill or excavation of 100 cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

(c) Cities, towns or counties may raise the exempt levels to the maximum specified below by implementing ordinance or resolution. Such levels shall be specified in the agency's SEPA procedures (WAC 197-11-904) and sent to the department of ecology. A newly established exempt level shall be supported by local conditions, including zoning or other land use plans or regulations. An agency may adopt a system of several exempt levels (such as different levels for different geographic areas). The maximum exempt level for the exemptions in (1)(b) of this section shall be, respectively:

(i) 20 dwelling units.

(ii) 30,000 square feet.

(iii) 12,000 square feet; 40 automobiles.

(iv) 40 automobiles.

(v) 500 cubic yards.

(2) **Other minor new construction.** The following types of construction shall be exempt except where undertaken wholly or in part on lands covered by water (unless specifically exempted in this subsection); the exemptions provided by this section shall apply to all licenses required to undertake the construction in question, except where a rezone or any license governing emissions to the air or discharges to water is required:

(a) The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxicabs, transit and school vehicles.

(b) The construction and/or installation of commercial on-premise signs, and public signs and signals.

(c) The construction or installation of minor road and street improvements such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators, transportation corridor landscaping (including the application of Washington state department of agriculture approved herbicides by licensed personnel for right of way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality in accordance with WAC 248-54-660), temporary traffic controls and detours, correction of substandard curves and intersections within existing rights of way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right of way is required, adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right of way is required, channelization and elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation, installation of catch basins and culverts, and reconstruction of existing roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulders, addition of bicycle lanes, paths and facilities, and pedestrian walks and paths, but not including additional automobile lanes.

(d) Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections (1) and (2) of this section, as well as fencing and the construction of small structures and minor facilities accessory thereto.

(e) Additions or modifications to or replacement of any building or facility exempted by subsections (1) and (2) of this section when such addition, modification or replacement will not change the character of the building or facility in a way that would remove it from an exempt class.

(f) The demolition of any structure or facility, the construction of which would be exempted by subsections (1) and (2) of this section, except for structures or facilities with recognized historical significance.

(g) The installation of impervious underground tanks, having a capacity of 10,000 gallons or less.

(h) The vacation of streets or roads.

(i) The installation of hydrological measuring devices, regardless of whether or not on lands covered by water.

(j) The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(3) **Repair, remodeling and maintenance activities.** The following activities shall be categorically exempt: The repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, involving no material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt (examples include repair or replacement of piling, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks). The following maintenance activities shall not be considered exempt under this subsection:

(a) Dredging;

(b) Reconstruction/maintenance of groins and similar shoreline protection structures; or

(c) Replacement of utility cables that must be buried under the surface of the bedlands. Repair/rebuilding of major dams, dikes, and reservoirs shall also not be considered exempt under this subsection.

(4) **Water rights.** Appropriations of one cubic foot per second or less of surface water, or of 2,250 gallons per minute or less of ground water, for any purpose. The exemption covering not only the permit to appropriate water, but also any hydraulics permit, shoreline permit or building permit required for a normal diversion or intake structure, well and pumphouse reasonably necessary to accomplish the exempted appropriation, and including any activities relating to construction of a distribution system solely for any exempted appropriation.

(5) **Purchase or sale of real property.** The following real property transactions by an agency shall be exempt:

(a) The purchase or acquisition of any right to real property.

(b) The sale, transfer or exchange of any publicly owned real property, but only if the property is not subject to an authorized public use.

(c) The lease of real property when the use of the property for the term of the lease will remain essentially the same as the existing use, or when the use under the lease is otherwise exempted by this chapter.

(6) **Minor land use decisions.** The following land use decisions shall be exempt:

(a) Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, but not including further short subdivisions or short platting within a plat or subdivision previously exempted under this subsection.

(b) Granting of variances based on special circumstances, not including economic hardship, applicable to the subject property, such as size, shape, topography, location or surroundings and not resulting in any change in land use or density.

(c) Classifications of land for current use taxation under chapter 84.34 RCW, and classification and grading of forest land under chapter 84.33 RCW.

(7) **Open burning.** Opening burning and the issuance of any license for open burning shall be exempt. The adoption of plans, programs, objectives or regulations by any agency incorporating general standards respecting open burning shall not be exempt.

(8) **Clean Air Act.** The granting of variances under RCW 70.94.181 extending applicable air pollution control requirements for one year or less shall be exempt.

(9) **Water quality certifications.** The granting or denial of water quality certifications under the Federal Clean Water Act (Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1341) shall be exempt.

(10) **Activities of the state legislature.** All actions of the state legislature are exempted. This subsection does not exempt the proposing of legislation by an agency (WAC 197-11-704).

(11) **Judicial activity.** The following shall be exempt:

(a) All adjudicatory actions of the judicial branch.

(b) Any quasi-judicial action of any agency if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other hearing processes conducted prior to the first decision on a proposal or upon any application for a rezone, conditional use permit or other similar permit not otherwise exempted by this chapter, are not exempted by this subsection.

(12) **Enforcement and inspections.** The following enforcement and inspection activities shall be exempt:

(a) All actions, including administrative orders and penalties, undertaken to enforce a statute, regulation, ordinance, resolution or prior decision. No license shall be considered exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(b) All inspections conducted by an agency of either private or public property for any purpose.

(c) All activities of fire departments and law enforcement agencies except physical construction activity.

(d) Any action undertaken by an agency to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety. The application of pesticides and chemicals is not exempted by this subsection but may be exempted elsewhere in these guidelines. No license or adoption of any ordinance, regulation or resolution shall be considered exempt by virtue of this subsection.

(e) Any suspension or revocation of a license for any purpose.

(13) **Business and other regulatory licenses.** The following business and other regulatory licenses are exempt:

(a) All licenses to undertake an occupation, trade or profession.

(b) All licenses required under electrical, fire, plumbing, heating, mechanical, and safety codes and regulations, but not including building permits.

(c) All licenses to operate or engage in amusement devices and rides and entertainment activities, including but not limited to cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of the use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above.

(d) All licenses to operate or engage in charitable or retail sales and service activities, including but not limited to peddlers, solicitors, second hand shops, pawnbrokers, vehicle and housing rental agencies, tobacco sellers, close out and special sales, fireworks, massage parlors, public garages and parking lots, and used automobile dealers.

(e) All licenses for private security services, including but not limited to detective agencies, merchant and/or residential patrol agencies, burglar and/or fire alarm dealers, guard dogs, locksmiths, and bail bond services.

(f) All licenses for vehicles for-hire and other vehicle related activities, including but not limited to taxicabs, ambulances, and tow trucks: Provided, That regulation of common carriers by the utilities and transportation commission shall not be considered exempt under this subsection.

(g) All licenses for food or drink services, sales, and distribution, including but not limited to restaurants, liquor, and meat.

(h) All animal control licenses, including but not limited to pets, kennels, and pet shops. Establishment or construction of such a facility shall not be considered exempt by this subsection.

(i) The renewal or reissuance of a license regulating any present activity or structure so long as no material changes are involved.

(14) **Activities of agencies.** The following administrative, fiscal and personnel activities of agencies shall be exempt:

(a) The procurement and distribution of general supplies, equipment and services authorized or necessitated by previously approved functions or programs.

(b) The assessment and collection of taxes.

(c) The adoption of all budgets and agency requests for appropriation: Provided, That if such adoption includes a final agency decision to undertake a major action, that portion of the budget is not exempted by this subsection.

(d) The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals.

(e) The review and payment of vouchers and claims.

(f) The establishment and collection of liens and service billings.

(g) All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force.

(h) All agency organization, reorganization, internal operational planning or coordination of plans or functions.

(i) Adoptions or approvals of utility, transportation and solid waste disposal rates.

(j) The activities of school districts pursuant to desegregation plans or programs; however, construction of real property transactions or the adoption of any policy, plan or program for such construction of real property transaction shall not be considered exempt under this subsection.

(15) **Financial assistance grants.** The approval of grants or loans by one agency to another shall be exempt, although an agency may at its option require compliance with SEPA prior to making a grant or loan for design or construction of a project. This exemption includes agencies taking nonproject actions that are necessary to apply for federal or other financial assistance.

(16) **Local improvement districts.** The formation of local improvement districts, unless such formation constitutes a final agency decision to undertake construction of a structure or facility not exempted under WAC 197-11-800 and 197-11-880.

(17) **Information collection and research.** Basic data collection, research, resource evaluation, requests for proposals (RFPs), and the conceptual planning of proposals shall be exempt. These may be strictly for information-gathering, or as part of a study leading to a proposal that has not yet been approved, adopted or funded; this exemption does not include any agency action that commits the agency to proceed with such a proposal. (Also see WAC 197-11-070.)

(18) **Acceptance of filings.** The acceptance by an agency of any document or thing required or authorized by law to be filed with the agency and for which the agency has no discretionary power to refuse acceptance shall be exempt. No license shall be considered exempt by virtue of this subsection.

(19) **Procedural actions.** The proposal or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment shall be exempt. Agency SEPA procedures shall be exempt.

(20) **Building codes.** The adoption by ordinance of all codes as required by the state Building Code Act (chapter 19.27 RCW).

(21) **Adoption of noise ordinances.** The adoption by counties/cities of resolutions, ordinances, rules or regulations concerned with the control of noise which do not differ from regulations adopted by the department of ecology under chapter 70.107 RCW. When a county/city proposes a noise resolution, ordinance, rule or regulation, a portion of which differs from the applicable state regulations (and thus requires approval of the department of ecology under RCW 70.107.060(4)), SEPA compliance may be limited to those items which differ from state regulations.

(22) **Review and comment actions.** Any activity where one agency reviews or comments upon the actions of another agency or another department within an agency shall be exempt.

(23) **Utilities.** The utility-related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class.

(a) All communications lines, including cable TV, but not including communication towers or relay stations.

(b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines eight inches or less in diameter.

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; and the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (more than 55,000 volts); and the undergrounding of all electric facilities, lines, equipment or appurtenances.

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.

(e) All developments within the confines of any existing electric substation, reservoir, pump station or well: Provided, That additional appropriations of water are not exempted by this subsection.

(f) Periodic use of chemical or mechanical means to maintain a utility or transportation right of way in its design condition: Provided, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(g) All grants of rights of way by agencies to utilities for use for distribution (as opposed to transmission) purposes.

(h) All grants of franchises by agencies to utilities.

(i) All disposals of rights of way by utilities.

(24) **Natural resources management.** In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:

(a) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land that

has been subject to a grazing lease within the previous ten years.

(b) Licenses or approvals to remove firewood.

(c) Issuance of agricultural leases covering one hundred sixty contiguous acres or less.

(d) Issuance of leases for Christmas tree harvesting or brush picking.

(e) Issuance of leases for school sites.

(f) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft.

(g) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.

(h) Periodic use of chemical or mechanical means to maintain public park and recreational land: Provided, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(i) Issuance of rights of way, easements and use permits to use existing roads in nonresidential areas.

(j) Establishment of natural area preserves to be used for scientific research and education and for the protection of rare flora and fauna, under the procedures of chapter 79.70 RCW.

(25) **Personal wireless service facilities.**

(a) The siting of personal wireless service facilities are exempt if the facility:

(i) Is a microcell and is to be attached to an existing structure that is not a residence or school and does not contain a residence or a school;

(ii) Includes personal wireless service antennas, other than a microcell, and is to be attached to an existing structure (that may be an existing tower) that is not a residence or school and does not contain a residence or school, and the existing structure to which it is to be attached is located in a commercial, industrial, manufacturing, forest, or agriculture zone; or

(iii) Involves constructing a personal wireless service tower less than sixty feet in height that is located in a commercial, industrial, manufacturing, forest, or agricultural zone.

(b) For the purposes of this subsection:

(i) "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

(ii) "Personal wireless service facilities" means facilities for the provision of personal wireless services.

(iii) "Microcell" means a wireless communication facility consisting of an antenna that is either:

(A) Four feet in height and with an area of not more than five hundred eighty square inches; or

(B) If a tubular antenna, no more than four inches in diameter and no more than six feet in length.

(c) This exemption does not apply to projects within a critical area designated under GMA (RCW 36.70A.060).

[Statutory Authority: RCW 43.21A.090, chapter 43.21C RCW, RCW 43.21C.035, 43.21C.037, 43.21C.038, 43.21C.0381, 43.21C.0382, 43.21C.0383, 43.21C.110, 43.21C.222. 03-16-067 (Order 02-12), § 197-11-800, filed 8/1/03, effective 9/1/03. Statutory Authority: 1995 c 347 (ESHB 1724) and RCW 43.21C.110. 97-21-030 (Order 95-16), § 197-11-800, filed 10/10/97, effective 11/10/97. Statutory Authority: RCW 43.21C.110. 84-05-020 (Order DE 83-39), § 197-11-800, filed 2/10/84, effective 4/4/84.]

WAC 197-11-820 Department of licensing. All licenses required under programs administered by the department of licensing as of December 12, 1975 are exempted, except the following:

(1) Camping club promotional permits under chapter 19.105 RCW.

(2) Motor vehicle wrecker licenses under chapter 46.80 RCW; WAC 197-11-800 (13)(i) shall apply to allow possible exemption of renewals of camping club promotional permits and motor vehicle wrecker licenses.

[Statutory Authority: RCW 43.21A.090, chapter 43.21C RCW, RCW 43.21C.035, 43.21C.037, 43.21C.038, 43.21C.0381, 43.21C.0382, 43.21C.0383, 43.21C.110, 43.21C.222. 03-16-067 (Order 02-12), § 197-11-820, filed 8/1/03, effective 9/1/03. Statutory Authority: RCW 43.21C.110. 84-05-020 (Order DE 83-39), § 197-11-820, filed 2/10/84, effective 4/4/84.]

WAC 197-11-835 Department of fisheries. The following activities of the department of fisheries are exempted:

(1) The establishment of seasons, catch limits or geographical areas for fishing or shellfish removal.

(2) All hydraulic project approvals (RCW 75.20.100) for activities incidental to a Class I, II, III forest practice as defined in RCW 76.09.050 or regulations thereunder.

(3) Hydraulic project approvals where there is no other agency with jurisdiction (besides the department of game) requiring a nonexempt permit, except for proposals involving removal of fifty or more cubic yards of streambed materials or involving realignment into a new channel. For purposes of this paragraph, the term new channel shall not include existing channels which have been naturally abandoned within the twelve months previous to the hydraulic permit application.

(4) All clam farm licenses and oyster farm licenses, except where cultural practices include structures occupying the water column or where a hatchery or other physical facility is proposed for construction on adjoining uplands.

(5) All other licenses (other than those excepted in (2) and (3) above) authorized to be issued by the department as of December 12, 1975 except the following:

(a) Fish farming license, or other licenses allowing the cultivation of aquatic animals for commercial purposes;

(b) Licenses for the mechanical and/or hydraulic removal of clams, including geoducks; and,

(c) Any license authorizing the discharge of explosives in water. WAC 197-11-800 (13)(i) shall apply to allow possible exemption of renewals of the above licenses.

(6) The routine release of hatchery fish or the reintroduction of endemic or native species into their historical habitat where only minor documented effects on other species will occur.

[Statutory Authority: RCW 43.21A.090, chapter 43.21C RCW, RCW 43.21C.035, 43.21C.037, 43.21C.038, 43.21C.0381, 43.21C.0382, 43.21C.0383, 43.21C.110, 43.21C.222. 03-16-067 (Order 02-12), § 197-11-835, filed 8/1/03, effective 9/1/03. Statutory Authority: RCW 43.21C.110. 84-05-020 (Order DE 83-39), § 197-11-835, filed 2/10/84, effective 4/4/84.]

WAC 197-11-850 Department of agriculture. All actions under programs administered by the department of

agriculture as of December 12, 1975 are exempted, except for the following:

(1) The approval of any application for a commercial registered feedlot, quarantined registered feedlot under chapter 16.36 RCW, or chapters 16-28 and 16-30 WAC.

(2) The issuance or amendment of any regulation respecting restricted-use pesticides under chapter 15.58 RCW that would have the effect of allowing the use of a pesticide previously prohibited by Washington state.

(3) The removal of any pesticide from the list of restricted-use pesticides established in WAC 16-228-155 so as to permit sale of such pesticides to home and garden users, unless the pesticide is no longer manufactured and is not available.

(4) The removal of any pesticide from the list of highly toxic and restricted-use pesticides established under WAC 16-228-165 so as to authorize sale of such pesticides to persons not holding an annual user permit, an applicator certificate, or an applicator operator license, unless the pesticide is no longer manufactured and is not available.

(5) The removal of any pesticide from the category of highly toxic pesticide formulations established in WAC 16-228-165 so as to permit the sale of such pesticides by persons not possessing a pesticide dealer's license, unless the pesticide is no longer manufactured and is not available.

(6) The approval of any use of the pesticide DDT or DDD except for those uses approved by the centers for disease control of the United States Department of Health and Human Services (such as control of rabid bats).

(7) The issuance of a license to operate a public livestock market under RCW 16.65.030.

(8) The provisions of WAC 197-11-800 (13)(i) shall apply to allow possible exemption of renewals of the licenses in (1) through (7) above.

[Statutory Authority: RCW 43.21A.090, chapter 43.21C RCW, RCW 43.21C.035, 43.21C.037, 43.21C.038, 43.21C.0381, 43.21C.0382, 43.21C.0383, 43.21C.110, 43.21C.222. 03-16-067 (Order 02-12), § 197-11-850, filed 8/1/03, effective 9/1/03. Statutory Authority: RCW 43.21C.110. 84-05-020 (Order DE 83-39), § 197-11-850, filed 2/10/84, effective 4/4/84.]

WAC 197-11-855 Department of ecology. The following activities of the department of ecology shall be exempt:

(1) Review of comprehensive solid waste management plans under RCW 70.95.100 and 70.95.110.

(2) Granting or denial of certification of consistency pursuant to the Federal Coastal Zone Management Act (16 U.S.C. 1451).

(3) Issuance of short-term water quality standards modification, pursuant to chapter 173-201 WAC, for minor projects when the water violations would:

(a) Result in turbidity violations only;

(b) Be less than fourteen days duration;

(c) Be mitigated by a current hydraulic project approval conditioned to protect the fishery resource; and

(d) Not significantly impair beneficial uses of the affected water body.

(4) Approval of engineering reports when such approval allows preparation of plans and specifications, but not when it would commit the department to approving the final proposal.

[Statutory Authority: RCW 43.21A.090, chapter 43.21C RCW, RCW 43.21C.035, 43.21C.037, 43.21C.038, 43.21C.0381, 43.21C.0382, 43.21C.0383, 43.21C.110, 43.21C.222. 03-16-067 (Order 02-12), § 197-11-855, filed 8/1/03, effective 9/1/03. Statutory Authority: RCW 43.21C.110. 84-05-020 (Order DE 83-39), § 197-11-855, filed 2/10/84, effective 4/4/84.]

WAC 197-11-902 Agency SEPA policies. (1) The act and these rules allow agencies to condition or deny proposals if such action is based upon policies identified by the appropriate governmental authority. These policies must be incorporated into regulations, plans, or codes formally designated by the agency (or appropriate legislative body, in the case of local government) as possible bases for the exercise of substantive authority under SEPA. (RCW 43.21C.060; WAC 197-11-660.) State and local policies so designated are called "agency SEPA policies" in these rules.

(2) Agencies are required to designate their SEPA policies not later than one hundred eighty days after the effective date of these rules (or the creation of the agency). In order to condition or deny a proposal, an agency must comply with the provisions of RCW 43.21C.060 and WAC 197-11-660. If an agency has already formally designated agency SEPA policies that meet the requirements of the act and these rules, the agency is not required to adopt them again. Agencies may revise or add to their SEPA policies at any time. Although agency SEPA procedures cannot change the provisions of these rules concerning substantive authority and mitigation (WAC 197-11-906(2)), agency SEPA policies are encouraged to identify specific mitigation measures or techniques.

(3) An agency's document that includes or references by citation their agency SEPA policies (WAC 197-11-660(3)) may be included in agency SEPA procedures (WAC 197-11-904). Public notice and opportunity for public comment shall be provided as part of the agency process for formally designating its SEPA policies.

(4) Depending on their content, the formal designation of agency SEPA policies will not necessarily require any environmental review and will normally be categorically exempt as a procedural action under WAC 197-11-800(19). For example, the policies may merely compile, reorganize, or reference laws or policies currently on the books, or may otherwise be procedural in nature, such as requiring decision makers to consider certain factors.

[Statutory Authority: RCW 43.21A.090, chapter 43.21C RCW, RCW 43.21C.035, 43.21C.037, 43.21C.038, 43.21C.0381, 43.21C.0382, 43.21C.0383, 43.21C.110, 43.21C.222. 03-16-067 (Order 02-12), § 197-11-902, filed 8/1/03, effective 9/1/03. Statutory Authority: RCW 43.21C.110. 84-05-020 (Order DE 83-39), § 197-11-902, filed 2/10/84, effective 4/4/84.]

WAC 197-11-904 Agency SEPA procedures. (1) Each agency is required by the act and this section to adopt its own rules and procedures for implementing SEPA. (RCW 43.21C.120.) Agencies may revise or add to their SEPA procedures at any time. Agencies may adopt these rules (chapter 197-11 WAC) by reference, and shall meet the requirements of WAC 197-11-906 concerning the content of their procedures. State and local rules for carrying out SEPA procedures are called "agency SEPA procedures."

(2) State agencies shall adopt or amend their procedures within one hundred eighty days of the effective date of this chapter or subsequent revisions, or within one hundred eighty days of the establishment of an agency, whichever shall occur

later. State agencies shall adopt their procedures by rule making under the state Administrative Procedure Act, chapter 34.05 RCW. If a state agency does not have rule making authority under chapter 34.05 RCW, the agency shall adopt procedures under whatever authority it has, and public notice and opportunity for public comment shall be provided. Adoption shall be deemed to have taken place at the time the transmittal of adopted rules is filed with the code reviser.

(3) Local agencies shall adopt or amend their procedures within one hundred eighty days of the effective date of this chapter or subsequent revisions, or within one hundred eighty days of the establishment of the local governmental entity, whichever shall occur later. Local agencies shall adopt their procedures by rule, ordinance, or resolution, whichever is appropriate, to ensure that the procedures have the full force and effect of law. Public notice and opportunity for public comment shall be provided as part of the agency's process for adopting its SEPA procedures.

(4) Any agency determining that all actions it is authorized to take are exempt under Part Nine of these rules may adopt a statement to the effect that it has reviewed its authorized activities and found them all to be exempt under this chapter. Adoption of such a statement under the procedures in subsections (2) and (3) shall be deemed to be in compliance with the requirement that the agency adopt procedures under this chapter.

(5) The adoption of agency procedures is procedural and shall be categorically exempt under this chapter (WAC 197-11-800(19)).

[Statutory Authority: RCW 43.21A.090, chapter 43.21C RCW, RCW 43.21C.035, 43.21C.037, 43.21C.038, 43.21C.0381, 43.21C.0382, 43.21C.0383, 43.21C.110, 43.21C.222. 03-16-067 (Order 02-12), § 197-11-904, filed 8/1/03, effective 9/1/03. Statutory Authority: RCW 43.21C.110. 95-07-023 (Order 94-22), § 197-11-904, filed 3/6/95, effective 4/6/95; 84-05-020 (Order DE 83-39), § 197-11-904, filed 2/10/84, effective 4/4/84.]

WAC 197-11-908 Critical areas. (1) Each county/city may select certain categorical exemptions that do not apply in one or more critical areas designated in a critical areas ordinance adopted under GMA (RCW 36.70A.060). The selection of exemptions that will not apply may be made from the following subsections of WAC 197-11-800: (1), (2)(a) through (h), (3), (5), (6)(a), (13)(c), (23)(a) through (g), and (24)(c), (e), (g), (h).

The scope of environmental review of actions within these areas shall be limited to:

(a) Documenting whether the proposal is consistent with the requirements of the critical areas ordinance; and

(b) Evaluating potentially significant impacts on the critical area resources not adequately addressed by GMA planning documents and development regulations, if any, including any additional mitigation measures needed to protect the critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

All other categorical exemptions apply whether or not the proposal will be located within a critical area. Exemptions selected by an agency under this section shall be listed in the agency's SEPA procedures (WAC 197-11-906).

(2) Proposals that will be located within critical areas are to be treated no differently than other proposals under this chapter, except as stated in the prior subsection. A threshold determination shall be made for all such actions, and an EIS shall not be automatically required for a proposal merely because it is proposed for location in a critical area.

[Statutory Authority: RCW 43.21A.090, chapter 43.21C RCW, RCW 43.21C.035, 43.21C.037, 43.21C.038, 43.21C.0381, 43.21C.0382, 43.21C.0383, 43.21C.110, 43.21C.222. 03-16-067 (Order 02-12), § 197-11-908, filed 8/1/03, effective 9/1/03. Statutory Authority: RCW 43.21C.110. 95-07-023 (Order 94-22), § 197-11-908, filed 3/6/95, effective 4/6/95; 84-05-020 (Order DE 83-39), § 197-11-908, filed 2/10/84, effective 4/4/84.]

Title 204 WAC

STATE PATROL (COMMISSION ON EQUIPMENT)

Chapters

204-10 **Equipment standards.**
204-82A **Motor vehicle sunscreening devices.**

Chapter 204-10 WAC
EQUIPMENT STANDARDS

WAC

204-10-040 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

204-10-040 Motorcycle helmets. [Statutory Authority: RCW 46.37.005 and 46.37.530. 94-20-047, § 204-10-040, filed 9/29/94, effective 10/30/94. Statutory Authority: RCW 46.37.005. 91-22-056 (Order 91-008), § 204-10-040, filed 11/1/91, effective 12/2/91. Statutory Authority: RCW 46.37.005, 46.37.194, 46.37.280, 46.37.310, 46.37.320 and 46.37.380. 81-18-008 (Order 81-08-02), § 204-10-040, filed 8/21/81.] Repealed by 03-23-007, filed 11/7/03, effective 12/8/03. Statutory Authority: RCW 46.37.005 and 2003 c 197.

WAC 204-10-040 Repealed. See Disposition Table at beginning of this chapter.

Chapter 204-82A WAC
MOTOR VEHICLE SUNSCREENING DEVICES

WAC

204-82A-060 Exceptions.

WAC 204-82A-060 Exceptions. Due to the nature of use, function and operation of such vehicles, transit city buses are exempt from the provisions of WAC 204-92A-050 (1) and (2). The following are exempted from the provisions of WAC 204-82A-050(2):

(1) Hearses.

(2) Ambulances.

(3) Limousines, passenger buses, and transit city buses used to transport persons for compensation.

Such vehicles shall have mirrors on both the right and left to provide vision at least two hundred feet to the rear. This section does not limit liability of the operators and/or

owners of such vehicles involved in accidents resulting from reduced visibility.

[Statutory Authority: RCW 46.37.005. 03-12-013, § 204-82A-060, filed 5/27/03, effective 6/27/03. Statutory Authority: RCW 47.37.005 [46.37.005]. 89-24-023, § 204-82A-060, filed 11/30/89, effective 12/31/89.]

Title 208 WAC

FINANCIAL INSTITUTIONS, DEPARTMENT OF

Chapters

208-700 **Processing applications for grants from the mortgage lending fraud prosecution account.**

Chapter 208-700 WAC

PROCESSING APPLICATIONS FOR GRANTS FROM THE MORTGAGE LENDING FRAUD PROSECUTION ACCOUNT

WAC

208-700-010 Definitions.
208-700-020 Authorization for use of funds.
208-700-030 Application and approval for disbursement of funds.
208-700-040 Disbursement limitation

WAC 208-700-010 Definitions. The definitions in this section apply throughout the chapter unless the context clearly requires otherwise.

(1) "Department" means the department of financial institutions.

(2) "Director" means the director of the department.

(3) "Mortgage lending fraud prosecution account" or "account" means the account established under RCW 36.22.-181, 40.320.140, and 43.320.1401 (chapter 289, Laws of 2003).

(4) "Mortgage lending process" means the process through which a person seeks or obtains a residential mortgage loan including, but not limited to, solicitation, application or origination, negotiation of terms, third party provider services, underwriting, signing and closing, and funding of the loan.

(5) "Person" means a natural person, corporation, company, limited liability corporation, partnership, or association.

(6) "Prosecutorial agency" means the office of the Washington attorney general, the office of the United States Attorney, or the office of any county prosecutor in the state of Washington.

(7) "Residential mortgage loan" means any loan primarily for personal, family, or household use secured by a mortgage or deed of trust on residential real estate upon which is constructed or intended to be constructed a single family dwelling or multiple family dwelling of four or fewer units.

(8) "Third-party provider" means any person other than a mortgage broker or lender who provides goods or services in connection with the preparation of a borrower's loan and includes, but is not limited to, credit reporting agencies, title companies, appraisers, structural and pest inspectors, or escrow companies.

[Statutory Authority: RCW 43.320.040, 36.22.181. 04-02-008, § 208-700-010, filed 12/29/03, effective 1/29/04.]

WAC 208-700-020 Authorization for use of funds. The director is authorized to disburse funds held under this chapter to cover the expenses of any prosecutorial agency for the purposes of prosecuting fraudulent activities in the mortgage lending process, whether the knowledge of such activity arises from a direct complaint or the independent investigation of the department of any law enforcement agency. Such prosecution expenses may include, but are not limited to:

(1) Training.
(2) Investigation.
(3) Discovery.
(4) Trial preparation and trial.
(5) Witness expenses.
(6) Sentencing.
(7) Appeal.

[Statutory Authority: RCW 43.320.040, 36.22.181. 04-02-008, § 208-700-020, filed 12/29/03, effective 1/29/04.]

WAC 208-700-030 Application and approval for disbursement of funds. (1) At the director's discretion, the department may establish any of the following means for application, approval and disbursement of funds:

a. A written agreement or memorandum of understanding with a prosecutorial agency covering expenses for a set period of time or the expenses for a particular prosecution. Each agreement or memorandum of understanding shall identify the effective period, the expenses to be covered, the dollar limit, the manner and form of billing expenses and the process for disbursement of the funds, and shall be signed by an authorized representative of the prosecutorial agency, and the director or the director's designee.

b. A written application submitted to the department for payment of prosecution expenses. Such written application shall be in a form acceptable to the director and shall include at a minimum the following information:

i. The prosecutorial agency applicant name, address and contact information.

ii. The case name and description including the details of persons and crimes under consideration.

iii. The court and county where the charges are or may be filed.

iv. The expenses or range of expenses to be reimbursed.

c. An invoice and voucher submitted after the prosecutorial expenses have been incurred, which shall include all the information required under "b," above.

(2) The department will approve or deny the application in a written letter. The letter of approval shall contain the terms of payment including the maximum amount to be reimbursed, the billing process to be followed by the prosecutorial agency, reporting requirements to the department and the procedures by which the department shall disburse the funds.

(3) A completed invoice or voucher in a form acceptable to the director shall be submitted for all prosecution expenses for which payment or reimbursement from the account is sought.

[Statutory Authority: RCW 43.320.040, 36.22.181. 04-02-008, § 208-700-030, filed 12/29/03, effective 1/29/04.]

WAC 208-700-040 Disbursement limitation The director is not required to disburse any funds unless the mortgage lending fraud prosecution account contains sufficient funds to cover planned disbursements under an agreement, memorandum of understanding or approved application. At no time shall the director or the department be required to make disbursements from the department's own operating funds.

[Statutory Authority: RCW 43.320.040, 36.22.181. 04-02-008, § 208-700-040, filed 12/29/03, effective 1/29/04.]

Title 212 WAC

STATE PATROL (FIRE PROTECTION)

Chapters

212-12 Fire marshal standards.

Chapter 212-12 WAC
FIRE MARSHAL STANDARDS

WAC

212-12-200 Purpose.
212-12-210 Definitions.
212-12-220 Applicability.
212-12-230 Compliance.
212-12-240 Inspection.
212-12-250 Approval.
212-12-260 Right of appeal.
212-12-270 Local codes.
212-12-280 Standards.
212-12-290 Construction requirements.
212-12-300 Modernization or renovation.
212-12-310 Additions.
212-12-320 Design, operation.
212-12-330 Staffing requirements.
212-12-340 Fire extinguishers.
212-12-350 Lighting.
212-12-360 Protection from hazards.
212-12-370 Sprinkler systems.
212-12-380 Fire alarm.
212-12-390 Smoke detection.
212-12-400 Equipment, inspection, testing and maintenance.
212-12-410 Severability.

WAC 212-12-200 Purpose. The purpose of this regulation is to adopt recognized standards for emergency respite centers to protect life against the cause and spread of fire and fire hazards pursuant to RCW 74.15.050. Emergency respite centers are licensed by the department of social and health services (DSHS) and maintained and operated to provide emergency respite care within buildings that have been given an occupancy classification of LC.

[Statutory Authority: RCW 74.15.050. 03-06-063, § 212-12-200, filed 3/3/03, effective 4/3/03.]

WAC 212-12-210 Definitions. The following definitions shall apply to this regulation:

(1) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW.

(2) "LC Occupancy" means a building, structure, or portion thereof, used for the business of providing licensed care to clients pursuant to state building code WAC 51-40-313.

(3) "Licensing agency" means the Washington state department of social and health services.

(4) "Building official" means the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the building code, adopted by the State Building Code Act.

(5) "Fire official" means the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Fire Code, adopted by the State Building Code Act.

(6) "State Building Code Act" means chapter 19.27 RCW, effective January 1, 1975, which establishes statewide building and fire prevention codes and mandates enforcement by each city, town and county.

(7) "Evacuation capability"

Evacuation capability is the ability of clients of a emergency respite center to respond to an emergency situation and either evacuate a building or move to a point of safety. Clients shall be classified in one of the following levels:

- Level I persons physically and mentally capable of walking or traversing a normal path to safety, including the ascent and descent of stairs, and capable of self-preservation, without the physical assistance of another person.

- Level II means semi-ambulatory persons that are physically and mentally capable of traversing a normal path to safety with the use of mobility aids, but unable to ascend or descend stairs without the physical assistance of another person.

- Level III means persons physically or mentally unable to walk or traverse a normal path to safety without the physical assistance of another person.

[Statutory Authority: RCW 74.15.050. 03-06-063, § 212-12-210, filed 3/3/03, effective 4/3/03.]

WAC 212-12-220 Applicability. This regulation applies to all LC facilities licensed or subject to licensure as emergency respite care centers by the department of social and health services.

[Statutory Authority: RCW 74.15.050. 03-06-063, § 212-12-220, filed 3/3/03, effective 4/3/03.]

WAC 212-12-230 Compliance. All LC facilities licensed as emergency respite care centers shall comply with the provisions of this regulation.

[Statutory Authority: RCW 74.15.050. 03-06-063, § 212-12-230, filed 3/3/03, effective 4/3/03.]

WAC 212-12-240 Inspection. The licensing agency, upon receipt of an application for a license or at least thirty days before the expiration date of an existing license, shall submit to the state fire marshal in writing, a request for an inspection. The state fire marshal or his authorized representative shall make an inspection of the facility, and if it is found that the facility does not comply with the standards contained in this regulation, a written report shall be made to the facility listing the violations found, corrective actions necessary and time allowed for correction. As soon as practicable after the expiration date of the time allowed affecting the corrective measures, a reinspection shall be made to determine compliance.

[Statutory Authority: RCW 74.15.050. 03-06-063, § 212-12-240, filed 3/3/03, effective 4/3/03.]

WAC 212-12-250 Approval. Upon the completion of the inspection, if the facility is in compliance with the applicable standards, a notice of approval for licensing shall be forwarded to the licensing agency by the Fire Protection Bureau.

[Statutory Authority: RCW 74.15.050. 03-06-063, § 212-12-250, filed 3/3/03, effective 4/3/03.]

WAC 212-12-260 Right of appeal. A facility aggrieved by the corrective orders of the state fire marshal or his/her authorized representative may appeal to the state fire marshal as provided for in WAC 212-12-025.

[Statutory Authority: RCW 74.15.050. 03-06-063, § 212-12-260, filed 3/3/03, effective 4/3/03.]

WAC 212-12-270 Local codes. Approvals are issued or denied on the basis of the applicant's compliance with the state fire marshal's minimum fire and life safety standards. The enforcement of local fire and building codes is the responsibility of the respective fire and building officials.

[Statutory Authority: RCW 74.15.050. 03-06-063, § 212-12-270, filed 3/3/03, effective 4/3/03.]

WAC 212-12-280 Standards. The following standards shall be applicable to all emergency respite care centers licensed as an LC Occupancy after the effective date of this regulation.

[Statutory Authority: RCW 74.15.050. 03-06-063, § 212-12-280, filed 3/3/03, effective 4/3/03.]

WAC 212-12-290 Construction requirements. (1) Emergency respite care centers located within an LC Occupancy shall comply with the construction requirements for LC occupancies as stated in current Washington State Amendment to the 1997 Uniform Building Code.

(2) All rooms used for sleeping and all corridors shall be provided with smoke detectors. Detectors shall be installed in accordance with the approved manufacturer's instructions.

(3) An emergency power system shall be provided that is capable of providing pathway lighting for a period of one and one-half hours (1 1/2) of time.

[Statutory Authority: RCW 74.15.050. 03-06-063, § 212-12-290, filed 3/3/03, effective 4/3/03.]

WAC 212-12-300 Modernization or renovation. No construction in either modernization or renovation projects shall diminish the fire safety features of the facility below the level of new construction, as required elsewhere in this regulation. Alterations or installations of new building services equipment shall be accomplished as near as possible in conformance with the requirements for new construction and shall be approved by both the building official and the fire marshal's office.

[Statutory Authority: RCW 74.15.050. 03-06-063, § 212-12-300, filed 3/3/03, effective 4/3/03.]

WAC 212-12-310 Additions. Any addition to be used as an emergency respite center shall be separated from the existing structure by an occupancy separation constructed as required in the current edition of the Washington state building code.

[Statutory Authority: RCW 74.15.050. 03-06-063, § 212-12-310, filed 3/3/03, effective 4/3/03.]

WAC 212-12-320 Design, operation. All emergency respite centers shall be so designed, constructed, maintained and operated as to minimize the possibility of a fire emergency. The protection of residents or patients from fire shall be provided by the following:

(1) Approved design, construction and separation of the facility;

(2) A required detection, and alarm system;

(3) Fire prevention measures required by Fire Marshal Standards 212-12;

(4) Planning, training and drilling in programs for the notification of fire and the safe evacuation of residents or patients from the building or affected fire area as required by WAC 212-12-040 and [212-12]-044.

[Statutory Authority: RCW 74.15.050. 03-06-063, § 212-12-320, filed 3/3/03, effective 4/3/03.]

WAC 212-12-330 Staffing requirements. All emergency respite centers shall provide staffing as established by the department of social and health services (DSHS).

[Statutory Authority: RCW 74.15.050. 03-06-063, § 212-12-330, filed 3/3/03, effective 4/3/03.]

WAC 212-12-340 Fire extinguishers. At least one minimum 2A-10BC rated fire extinguisher shall be provided on each floor level. Additional fire extinguishers may also be required due to area, travel distance or special hazards.

[Statutory Authority: RCW 74.15.050. 03-06-063, § 212-12-340, filed 3/3/03, effective 4/3/03.]

WAC 212-12-350 Lighting. (1) Illumination of the means of egress shall be continuous during the time that conditions of occupancy require that the means of egress be available for use.

(2) Automatic emergency lighting shall be provided and so arranged as to provide the required illumination automatically in the event of any interruption of normal lighting, such as the failure of public utility or other outside electrical power

supply, opening of a circuit breaker or fuse, or any manual act(s) including accidental opening of a switch controlling normal lighting facilities.

(3) Electric battery-operated emergency lights shall be approved for their intended use, shall comply with the state electrical code, and shall be maintained in a fully charged condition.

[Statutory Authority: RCW 74.15.050. 03-06-063, § 212-12-350, filed 3/3/03, effective 4/3/03.]

WAC 212-12-360 Protection from hazards. Any area used for general storage, and boiler or furnace rooms shall be separated from other parts of the building by construction having a fire-resistance rating conforming to the general construction requirements of the building type.

Central heating plants and other fuel-burning appliances shall be maintained and cleaned by an appliance service technician at intervals as required by the manufacturer's instructions or at least annually The surrounding area shall be kept free of rubbish and combustible storage.

[Statutory Authority: RCW 74.15.050. 03-06-063, § 212-12-360, filed 3/3/03, effective 4/3/03.]

WAC 212-12-370 Sprinkler systems. An automatic sprinkler system shall be installed throughout every Group LC Occupancy three or more stories in height or licensed for more than 16 clients. Group LC Occupancies with 16 or fewer clients, licensed to provide care for more than two clients who have an evacuation capability of II or III, shall be provided with an automatic sprinkler system throughout the facility.

EXCEPTION: An automatic sprinkler system need not be installed in any Group LC Occupancy licensed for six or fewer clients regardless of the level of evacuation capability.

Where a sprinkler system is required, a system complying with Uniform Building Code (UBC) Standard 9-1 shall be installed.

EXCEPTIONS: 1. An automatic sprinkler system complying with UBC Standard 9-3 may be installed in buildings of four stories or less.

2. Where a Group LC Occupancy is being established by change of occupancy in an existing building not protected by a sprinkler system as is required above for buildings of new construction, an automatic sprinkler system complying with National Fire Protection Association (NFPA) Standard 13d may be installed provided the care facility is licensed for not more than 16 clients.

Residential or quick-response heads shall be used in all sprinkler systems.

[Statutory Authority: RCW 74.15.050. 03-06-063, § 212-12-370, filed 3/3/03, effective 4/3/03.]

WAC 212-12-380 Fire alarm. Every emergency respite center licensed for more than 16 residents shall have an approved automatic and manual fire alarm system. Operation of any fire alarm initiating device shall automatically, without delay, activate off-site monitoring and accomplish general alarm indication and sound an audible alarm throughout the building or affected portion thereof.

[Statutory Authority: RCW 74.15.050. 03-06-063, § 212-12-380, filed 3/3/03, effective 4/3/03.]

WAC 212-12-390 Smoke detection. Smoke detectors that received their primary power from the building wiring shall be installed in all sleeping rooms, corridors and in areas separating use areas from sleeping areas. Activation of a smoke detector shall activate the buildings fire alarm system and off-site monitoring.

[Statutory Authority: RCW 74.15.050. 03-06-063, § 212-12-390, filed 3/3/03, effective 4/3/03.]

WAC 212-12-400 Equipment, inspection, testing and maintenance. Every required automatic sprinkler system, fire detection and alarm system, exit lighting, fire door and other item of equipment required by this regulation and/or the applicable building and/or fire code shall be continuously maintained in proper operating condition. Equipment shall be tested or operated in accordance with manufacturer's recommendation or at least annually to assure reliability. Records of all tests and inspections shall be maintained on the premises for review. Tests shall be conducted of the fire alarm system in accordance with the requirements of WAC 212-12-030. Fire sprinkler testing and maintenance shall be in accordance with the requirements contained in chapter 212-80 WAC.

[Statutory Authority: RCW 74.15.050. 03-06-063, § 212-12-400, filed 3/3/03, effective 4/3/03.]

WAC 212-12-410 Severability. If any provision of this regulation or its application to any person is held invalid, the remainder of the regulation or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 74.15.050. 03-06-063, § 212-12-410, filed 3/3/03, effective 4/3/03.]

Title 218 WAC

FORENSIC INVESTIGATIONS COUNCIL

Chapters

218-10 **State death investigations account assistance applications.**

Chapter 218-10 WAC

STATE DEATH INVESTIGATIONS ACCOUNT ASSISTANCE APPLICATIONS

WAC

218-10-005 Authority.
218-10-010 Purpose.
218-10-015 Definitions.
218-10-020 Eligibility standards.
218-10-025 Application process.
218-10-030 Effective date.

WAC 218-10-005 Authority. This chapter is adopted pursuant to chapter 142, Washington Laws of 1999, relating to the authority of the forensic investigations council to pre-

scribe rules governing the disbursement of funds to local jurisdictions to assist them in the investigation of multiple deaths involving unanticipated, extraordinary, and catastrophic events, or involving multiple jurisdictions.

[Statutory Authority: RCW 43.103.090 (1)(d). 03-22-012, § 218-10-005, filed 10/24/03, effective 12/1/03.]

WAC 218-10-010 Purpose. The purpose of this chapter is to set forth the procedures governing all applications for state death investigations account assistance.

[Statutory Authority: RCW 43.103.090 (1)(d). 03-22-012, § 218-10-010, filed 10/24/03, effective 12/1/03.]

WAC 218-10-015 Definitions. (1) **"Death investigation budget"** shall mean the local jurisdiction's appropriation into the coroner or medical examiner budgets for the determination of cause and manner of death.

(2) **"Local jurisdiction"** shall mean a city, town, or county of the state of Washington.

(3) **"Multiple deaths involving multiple local jurisdictions"** shall mean that the deaths occurred in two or more geographically distinct local jurisdictions.

(4) **"Unanticipated"** shall mean an event having a disproportionate fiscal impact, relative to the local jurisdiction's death investigation budget and which cannot be reasonably foreseen in the normal budget process.

[Statutory Authority: RCW 43.103.090 (1)(d). 03-22-012, § 218-10-015, filed 10/24/03, effective 12/1/03.]

WAC 218-10-020 Eligibility standards. (1) Only the following investigations are eligible for funding assistance:

(a) Investigations of multiple deaths involving unanticipated, extraordinary, and catastrophic events; or

(b) Investigations of multiple deaths involving multiple local jurisdictions.

(2) Funding assistance shall be limited to supplementations of the death investigation budget of a local jurisdiction.

(3) Funding assistance shall not be used to supplant monies reasonably available from other state or federal sources.

[Statutory Authority: RCW 43.103.090 (1)(d). 03-22-012, § 218-10-020, filed 10/24/03, effective 12/1/03.]

WAC 218-10-025 Application process. To qualify for consideration and eligibility for assistance from the state death investigations account, the legislative authority of the local jurisdiction shall:

(1) Submit to the forensic investigations council an application on a form approved by the council; and

(2) Provide any additional information requested by the forensic investigations council, in order to evaluate the request for assistance.

[Statutory Authority: RCW 43.103.090 (1)(d). 03-22-012, § 218-10-025, filed 10/24/03, effective 12/1/03.]

WAC 218-10-030 Effective date. (1) This rule shall take effect on December 1, 2003.

(2) Funding assistance shall be available only for death investigations that commenced after August 1, 2003.

[Statutory Authority: RCW 43.103.090 (1)(d). 03-22-012, § 218-10-030, filed 10/24/03, effective 12/1/03.]

Title 220 WAC

FISH AND WILDLIFE, DEPARTMENT OF (FISHERIES)

Chapters

220-12	**Food fish and shellfish—Classified.**
220-16	**Definitions.**
220-20	**General provisions.**
220-33	**Columbia River—Commercial fisheries below Bonneville Dam.**
220-36	**Grays Harbor.**
220-40	**Willapa Harbor.**
220-44	**Coastal waters—Marine fish.**
220-47	**Puget Sound—Salmon.**
220-48	**Puget Sound—Fish other than salmon.**
220-52	**Shellfish.**
220-55	**Personal-use licenses.**
220-56	**Personal-use fishery.**
220-60	**Oysters and clams—Sales from state reserves.**
220-69	**Fish receiving tickets—Weight delivery sheets.**
220-72	**Oyster diseases and pests.**
220-88B	**Coastal spot shrimp.**
220-88C	**Coastal pilchard fishery.**
220-100	**State Environmental Policy Act rules.**
220-130	**Volunteer cooperative fish and wildlife enhancement program.**

Chapter 220-12 WAC

FOOD FISH AND SHELLFISH—CLASSIFIED

WAC

220-12-020	Shellfish—Classification.
220-12-090	Classification—Nonnative aquatic animal species.

WAC 220-12-020 Shellfish—Classification. The following species are classified as shellfish under RCW 75.08.080 and are subject to the provisions of this title:

Abalone	
Red abalone	*Haliotis refescens*
Pinto abalone	*Haliotis kamtschatkana*
Mussel	
Blue mussel	*Mytilis edulis*
California mussel	*Mytilis californianus*
Scallops	
Pacific pink scallop	*Chlamys rubida*
Rock scallop	*Crassadoma gigantea*
Spiny scallop	*Chlamys hastata*
Weathervane scallop	*Patinopecten caurinus*
Clams	
Bent nose clam	*Macoma secta*
All other macoma clams	*Macoma spp.*
Butter clam	*Saxidomus giganteus*
Common cockle	*Clinocardium nuttalli*
Geoduck	*Panope abrupta*
Horse or Gaper clam	*Tresus nuttalli*, *Tresus capax*

Mud or soft shell clam	*Mya arenaria*
Manila clam	*Tapes philippinarum*
Piddock	*Zirfaea pilsbryi*
Razor clam	*Siliqua patula*
Rock or native little neck clam	*Protothaca staminea*
All other native marine clams	
Oysters	
Eastern oyster	*Crassostrea virginica*
Olympia or native oyster	*Ostrea lurida*
Pacific oyster	*Crassostrea gigas*
Kumamoto oyster	*Crassostrea gigas (kumamoto)*
European oyster	*Ostrea edulis*
All other oysters	(Ostreidae)
Squid	
Pacific Coast squid	*Loligo opalescens*
Nail squid	*Onychoteuthis borealijaponica*
Flying squid	*Ommastrephes bartramai*
All other squid	Sepioidea or Teuthoiden
Octopus	
Octopus	*Octopus dolfeni*
Barnacles	
Goose barnacle	*Pollicipes polymerus*
Shrimp	
Coonstripe shrimp	*Pandalus danae*
Coonstripe shrimp	*Pandalus hypsinotus*
Ghost or sand shrimp	*Callianassa spp.*
Humpy shrimp	*Pandalus goniurus*
Mud shrimp	*Upogebia pugettensis*
Ocean pink shrimp	*Pandalus jordani*
Pink shrimp	*Pandalus borealis*
Sidestripe shrimp	*Pandalopsis dispar*
Spot shrimp	*Pandalus platyceros*
Crab	
Dungeness or Pacific crab	*Cancer magister*
Red rock crab	*Cancer productus*
Tanner crab	*Chionoecetes tanneri*
King and box crab	*Lopholithodes spp.*
Crawfish	
Crawfish	*Pacifastacus sp.*
Sea cucumber	
Sea cucumber	*Parastichopus californicus*
Sea cucumber	*Cucumaria miniata*
Sea urchin	
Green urchin	*Strongylocentrotus droebachiensis*
Red urchin	*Strongylocentrotus franciscanus*
Purple urchin	*Strongylocentrotus purpuratus*

[Statutory Authority: RCW 77.12.047. 03-05-057 (Order 03-24), § 220-12-020, filed 2/14/03, effective 5/1/03. Statutory Authority: RCW 77.12.040 and 75.08.080. 98-06-031, § 220-12-020, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 95-04-066 (Order 95-10), § 220-12-020, filed 1/30/95, effective 5/1/95; 91-10-024 (Order 91-22), § 220-12-020, filed 4/23/91, effective 5/24/91; 88-12-025 (Order 88-28), § 220-12-020, filed 5/25/88, effective 8/22/88; 87-23-006 (Order 87-187), § 220-12-020, filed 11/6/87; 86-24-046 (Order 86-190), § 220-12-020, filed 11/26/86; 85-09-017 (Order 85-20), § 220-12-020, filed 4/9/85; 85-01-010 (Order 84-214), § 220-12-020, filed 12/7/84; 83-24-024 (Order 83-200), § 220-12-020, filed 11/30/83, effective 1/1/84; Order 1186, § 220-12-020, filed 1/13/75; Order 990, § 220-12-020, filed 5/11/72; Order 807, § 220-12-020, filed 1/2/69, effective 2/1/69; Order 677, Shellfish classification, filed 3/31/66; Order 256, Shellfish classification, filed 3/1/60; Abalone and octopus from Order 483 and 256, filed 3/1/60.]

WAC 220-12-090 Classification—Nonnative aquatic animal species. (1) Prohibited aquatic animal species. The following species are classified as prohibited aquatic animal species:

(a) Amphibians:

(i) In the family Hylidae: Cricket frog, in the genus *Hyla* species in the group *Arborea* including: *Hyla annectans, Hyla arborea, Hyla chinensis, Hyla hallowellii, Hyla immaculata, Hyla japonica, Hyla meridionalis, Hyla sanchiangensis, Hyla simplex, Hyla suweonensis, Hyla tsinlingensis, Hyla ussuriensis,* and *Hyla zhaopingensis*.

(ii) In the family Pelobatidae, spadefoots, all species of the genus *Pelobates* including *P. cultripes, P. fuscus, P. syriacus,* and *P. varaldii*. All species of the genus *Scaphiopus* including: *S. couchii, S. holbrookii,* and *S. hurterii*. All species of the genus *Spea* including: *S. hurterii, S. bombifrons, S. hammondii,* and *S. multiplicata* with the exception of the native species: *Spea intermontana* the great basin spadefoot.

(iii) In the family Pipidae: African clawed frog, all members of the genera *Silurana,* and *Xenopus*.

(iv) In the family Ranidae:

(A) Bull frog, *Rana catesbeiana*.

(B) Holoarctic brown frogs and Palearctic green frogs of the genus *Rana*, including the following: *Rana arvalis* group (*R. arvalis, R. chaochiaoensis, R. chevronta*); *Rana chensinensis* group (*R. altaica, R. chensinensis, R. dybowskii, R. kukunoris, R. kunyuensis, R. ornativentris, R. pirica*); *Rana graeca* group (*R. graeca, R. italica*); *Rana japonica* group (*R. amurensis, R. aragonensis, R. japonica, R. omeimontis, R. zhenhaiensis*); the subgenus *Rugosa* (*Rana rugosa, Rana emeljanovi, Rana tientaiensis*); *Rana tagoi* group (*R. sakuraii, R. tagoi*); *Rana temporaria* group (*R. asiatica, R. dalmatina, R. honnorate, R. huanrenensis, R. iberica, R. latastei, R. macrocnemis, R. okinavana, R. pyrenaica, R. tsushimensis, R. zhengi*); and in the *Rana Pelophylax* section, the subgenus *Pelophylax* (*R. bedriagae, R. bergeri, R. cerigensis, R. chosenica, R. cretensis, R. demarchii, R. epeirotica, R. fukienensis, R. grafti, R. hubeiensis, R. lateralis, R. lessonae, R. nigrolineata, R. nigromaculata, R. perezi, R. plancyi, R. porosa, R. ridibunda, R. saharica, R. shqiperica, R. shuchinae, R. terentievi, R. tenggerensis*); and the *Rana ridibunda-Rana lessonae* hybridogenetic complex species *R. esculenta* and *R. hispanica*.

(v) In the family Ambystomatidae: Mole salamanders. In the genus *Ambystomata*: *A. californiense, A. laterale, A. opacum, A. rosaceum, A. tigrinum,* except for the native species *A. tigrinum mavortium* Western tiger salamander, and *A. tigrinum melanostictum* Tiger salamander.

(vi) In the family Amphiumidae one, two, and three toed salamanders or congo eels: All members of the genus *Amphiuma*.

(vii) In the family Cryptobranchidae: Giant salamanders and hellbenders, all members of the genera *Andrias* and *Cryptobranchus*.

(viii) In the family Dicamptodontidae, American giant salamanders, all members of the genus *Dicamptodon*, except for the native species: *Dicamptodon tenebrosus*, Pacific

giant salamander, and *Dicamptodon copei*, Cope's giant salamander.

(ix) In the family Hynobiidae: Mountain salamanders, all members of the genera *Batrachuperus, Hynobius, Liua, Onychodactylus, Pachyhynobius, Pseudohynobius, Ranodon,* and *Salamandrella*.

(x) In the family Plethodontidae, subfamily Desmognathinae: All members of the genus *Desmognathus*, dusky salamander.

(xi) In the family Plethodontidae, subfamily Plethodontinae: All members of the genera *Aneides* (climbing salamanders); *Batrachoseps* (slender salamanders); *Eurycea* (American brook salamanders); *Gyrinophilus* (cave salamanders); *Hemidactylium* (four-toed salamanders); *Hydromantes* (web-toed salamanders); *Plethodon* (woodland and slimy salamanders); *Pseudotriton* (mud or red salamanders), and *Speleomantes* (European salamanders).

(xii) In the family Proteidae, mudpuppies, all members of the genus *Necturus* and *Proteus*.

(xiii) In the family Salamandridae: Newts, all members of the genera *Chioglossa*; *Eichinotriton* (mountain newts); *Euproctus* (European mt. salamander); *Neurergus* (Kurdistan newts); *Notophthalmus* (red-spotted newts); *Pachytriton* (Chinese newts); *Paramesotriton* (warty newts); *Salamandrina* (speckled salamander); *Taricha* except for the native species *Taricha granulosa granulosa* the Northern rough-skinned newt, and *Triturus* (alpine newts).

(xiv) In the family Sirenidae, sirens, all species of the genera *Pseudobranchus* and *Siren*.

(b) Reptiles:

(i) In the family Chelydridae, snapping turtles, all species.

(ii) In the family Emydidae:

(A) Chinese pond turtles, all members of the genus *Chinemys*.

(B) Pond turtles, all members of the genus *Clemmys*.

(C) European pond turtle, *Emys orbicularis*.

(D) Asian pond turtle, all members of the genus *Mauremys*.

(iii) In the family Trionychidae, American soft shell turtles, all members of the genus *Apalone*.

(c) Crustaceans:

(i) Family Cercopagidae:

(A) Fish hook water flea, *Cercopagis pengoi*.

(B) Spiny water flea, *Bythotrephes cederstroemi*.

(ii) Family Grapsidae: Mitten crabs: All members of the genus *Erochier*.

(iii) Family Cambaridae: Crayfish: All genera.

(iv) Family Parastacidae: Crayfish: All genera except *Engaeos*, and except the species *Cherax quadricarinatus*, *Cherax papuanus*, and *Cherax tenuimanus*.

(v) Family Portunidae: European green crab, *Carcinus maenas*.

(vi) Family Spheromatidae: Burrowing isopod, *Sphaeroma quoyanum*.

(d) Fish:

(i) Family Amiidae: Bowfin, grinnel, or mudfish, *Amia calva*.

(ii) Family Channidae: China fish, snakeheads: All members of the genus *Channa*.

(iii) Family Characidae: Piranha or caribe: All members of the genera *Pygocentrus*, *Rooseveltiella*, and *Serrasalmus*.

(iv) Family Clariidae: Walking catfish: All members of the family.

(v) Family Cyprinidae:

(A) Fathead minnow, *Pimephales promelas*.

(B) Carp, Bighead, *Hypopthalmichthys nobilis*.

(C) Carp, Black, *Mylopharyngodon piceus.*

(D) Carp, Grass (in the diploid form), *Ctenopharyngodon idella*.

(E) Carp, Silver, *Hypopthalmichthys molitrix*.

(F) Ide, silver orfe or golden orfe, *Leuciscus idus*.

(G) Rudd, *Scardinius erythropthalmus*.

(vi) Family Gobiidae: Round goby, *Neogobius melanostomus*.

(vii) Family Esocidae: Northern pike, *Esox lucius*.

(viii) Family Lepisosteidae: Gar-pikes: All members of the family.

(e) Mammals:

Family Myocastoridae: Nutria, *Myocastor coypu*.

(f) Molluscs:

(i) Family Dreissenidae: Zebra mussels: All members of the genus *Dreissena* and all species known as quagga.

(ii) Family Gastropoda: New Zealand mud snail, *Potamopyrgus antipodarum*.

(2) Regulated aquatic animal species. The following species are classified as regulated aquatic animal species:

(a) Crustaceans:

All nonnative crustaceans classified as shellfish.

(b) Fish:

(i) All nonnative fish classified as food fish and game fish.

(ii) Family Cichlidae: Tilapia: All members of the genera *Tilapia*, *Oneochromis*, and *Sartheradon*.

(iii) Family Clupeidae: Alewife, *Alosa pseudoharengus*.

(iv) Family Cyprinidae:

(A) Common carp, koi, *Cyprinus carpio*.

(B) Goldfish, *Carassius auratus*.

(C) Tench, *Tinca tinca*.

(D) Grass carp (in the triploid form), *Ctenopharyngodon idella*.

(v) Family Poeciliidae: Mosquito fish, *Gambusia affinis.*

(c) Molluscs:

(i) All nonnative molluscs classified as shellfish.

(ii) Family Psammobiidae: Mahogany clam or purple varnish clam, *Nuttalia obscurata*.

(3) Unregulated aquatic animal species. The following species are classified as unregulated aquatic animal species: None.

[Statutory Authority: RCW 77.12.047. 04-01-096 (Order 03-312), § 220-12-090, filed 12/16/03, effective 1/16/04; 02-19-007 (Order 02-223), § 220-12-090, filed 9/5/02, effective 10/6/02.]

Chapter 220-16 WAC
DEFINITIONS

WAC

220-16-270 Puget Sound Shrimp Districts.
220-16-290 Geographical definitions—Deep River (Wahkiakum County).

WAC 220-16-270 Puget Sound Shrimp Districts. The following areas shall be defined as Puget Sound Shrimp Districts:

(1) Discovery Bay Shrimp District - All waters south of a line from McCurdy Point on the Quimper Peninsula to the northern tip of Protection Island, then to Rocky Point on the Miller Peninsula, and including all waters of Discovery Bay.

(2) Port Angeles Shrimp District - All waters of Port Angeles Harbor west of a line from the eastern tip of Ediz Hook to the ITT-Rayonier dock.

(3) Sequim Bay Shrimp District - All waters of Sequim Bay south of a line projected west from Travis Spit on the Miller Peninsula.

(4) Hood Canal Shrimp District - All waters of Hood Canal south of the Hood Canal Floating Bridge.

(5) Carr Inlet Shrimp District - All waters of Carr Inlet north of a line from Penrose Point to Green Point.

(6) Port Townsend Shrimp District - All waters of Port Townsend Bay south and west of a line from Marrowstone Point to Point Hudson, including Kilisut Harbor.

[Statutory Authority: RCW 77.12.047. 03-16-097 (Order 03-180), § 220-16-270, filed 8/6/03, effective 9/6/03; 01-03-016 (Order 00-271), § 220-16-270, filed 1/5/01, effective 2/5/01; Order 817, § 220-16-270, filed 5/29/69. Formerly WAC 220-16-020 (part).]

WAC 220-16-290 Geographical definitions—Deep River (Wahkiakum County). For commercial fisheries, the mouth of the Deep River is defined as the Highway 4 Bridge.

[Statutory Authority: RCW 77.12.047. 03-05-061 (Order 03-29), § 220-16-290, filed 2/18/03, effective 3/21/03.]

Chapter 220-20 WAC
GENERAL PROVISIONS

WAC

220-20-016 Sale and purchase of commercial caught salmon.
220-20-080 Sale under a direct retail endorsement.
220-20-110 Fish and wildlife enforcement officer relief from active duty procedure.
220-20-115 Watchable wildlife program.

WAC 220-20-016 Sale and purchase of commercial caught salmon. (1) It is unlawful for any person licensed to take salmon for commercial purposes as required under chapter 77.65 RCW to:

(a) Retain for personal use more than the equivalent of one daily sport bag limit for the area being fished. All salmon taken under commercial license must be recorded on state of Washington fish receiving tickets. The daily limit and possession limit described in this subsection also apply to crew members of the licensed fishing vessel.

(b) Sell any salmon he takes under such license to anyone other than a licensed wholesale dealer located within or outside the state of Washington: Provided, That a person who is himself licensed as a wholesale dealer under the provisions of RCW 77.65.280 may sell his catch to individuals or corporations other than licensed wholesale dealers.

(c) Sell, barter or attempt to sell or barter salmon eggs that have been removed from the body cavity of salmon unless all carcasses from which eggs have been removed are sold to the same buyer except this subsection does not apply to troll caught salmon or the eggs from such salmon.

(d) Discard salmon that may be lawfully retained except fishers may discard salmon that are unmarketable due to pinniped predation.

(2) It is unlawful for any person licensed as a wholesale dealer as required under RCW 77.65.280 and acting in the capacity as an original receiver to purchase or attempt to purchase salmon eggs without also purchasing all male and female salmon taken by the fisher, including the salmon carcasses from which the eggs were removed.

[Statutory Authority: RCW 77.12.047. 03-10-010 (Order 03-79), § 220-20-016, filed 4/25/03, effective 5/26/03; 01-07-015 (Order 01-32), § 220-20-016, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-20-016, filed 11/19/99, effective 12/20/99; 85-11-020 (Order 85-43), § 220-20-016, filed 5/10/85; 80-01-021 (Order 79-137), § 220-20 -016, filed 12/14/79.]

WAC 220-20-080 Sale under a direct retail endorsement. It is unlawful for any fisher selling salmon or Dungeness crab taken by that fisher under a direct retail endorsement, or for a wholesale dealer accepting salmon or crab from such a fisher, to fail to comply with the requirements of this section.

(1) A direct retail endorsement will not be issued to a licensee who is other than a natural person and, after 2002, will only be issued upon renewal of a qualifying license. Applicants for the endorsement must present a letter from the county health department of the fisher's county of residence certifying that the methods used by the fisher for transport, storage and display of product meet the county and statewide standards for food service operations. If the fisher is landing product from a documented vessel, the letter may be from the county health department of the hailing port of the vessel. Additionally, applicants must present a valid food and beverage service worker's permit at the time of application, and pay the direct retail administrative cost of fifty dollars. The health department letter, permit, and administrative cost are required for each application or renewal for a direct retail endorsement.

(2) Any fisher who offers salmon or crab for retail sale must complete a fish receiving ticket for all salmon or crab aboard the harvesting vessel before the product is offered for retail sale, except if the salmon or crab are being offered for sale directly off the catcher vessel, the fisher may complete the ticket with an estimated number or weight. At the completion of the retail activity, the fisher who has completed a ticket with an estimated number or weight is required to enter the actual number and weight of salmon or crab that were sold at retail. The price shown on the fish receiving ticket must be the actual sale price of the salmon or crab.

(3) Any fisher selling salmon or crab at retail, which salmon or crab are taken from an area under the quick reporting requirements of WAC 220-69-240, is required to comply with the quick reporting requirement.

(4) Salmon and crab offered for retail sale must be landed in the round. Salmon may not be cleaned or headed until the fish ticket documenting the landing is completed.

(5) In order to allow inspection and sampling, each fisher offering salmon or crab for retail sale must notify the department twenty-four hours prior to sale and identify the location of the fisher's temporary food service establishment except if the temporary food service establishment is in a county that

did not issue the health certification letter, forty-eight hour notice is required. The only acceptable notification is by telephone to 360-902-2936, fax to 902-2155, or e-mail to enforcement-web@dfw.wa.gov.

(6) Salmon or Dungeness crab sold under a retail sale endorsement may only be sold to a consumer. Sale is not allowed to any person who will resell the product, such as a restaurant. Dungeness crab must be sold uncooked.

(7) Each fisher offering salmon or crab for retail sale must maintain a sequentially numbered receipt book, which receipt book contains a receipt duplicate copy, and must give each purchaser of salmon or crab a receipt showing the number, weight and value of salmon or crab sold to that purchaser. The duplicate receipts must be retained by the seller for one year.

(8) If salmon or crab offered for retail sale and documented on a fish receiving ticket are subsequently sold to a licensed wholesale dealer, the sale must be documented by a sale receipt, not a fish receiving ticket, and it is the responsibility of the wholesale dealer to maintain the product separately, until the product is resold or processed.

(9) Violations of subsections (2), (3), (7), and (8) of this section are punishable under RCW 77.15.640.

(10) Violations of subsections (4), (5), and (6) of this section are punishable under RCW 77.15.540.

[Statutory Authority: RCW 77.12.047. 03-05-059 (Order 03-32), § 220-20-080, filed 2/18/03, effective 3/21/03.]

WAC 220-20-110 Fish and wildlife enforcement officer relief from active duty procedure. (1) This section governs the actions required for granting relief from active duty and payment of relief from active duty benefits under RCW 77.12.264. Compliance with the procedural steps of this section is mandatory, and failure to comply with these procedures will result in a denial of benefits if payment has not begun, or a termination of payments if payments have begun.

(2) A request for relief from active duty must be filed in writing with the director, and may be filed by either the officer or the officer's representative. For purposes of this section, the officer is the "claimant."

(3) Upon receipt of the relief from active duty request, the director's office will notify the department's personnel office (the personnel office). The personnel office will review the claimant's personnel file to ascertain employment status. The personnel office will determine if a labor and industries on duty injury claim was filed and the status of that claim. If a claim was filed but was disallowed, the department will notify the claimant that the department will not further process a request for relief from active duty until all appeal efforts on the labor and industries on duty injury claim are completed.

(4) The personnel office will respond to the claimant's request for relief from active duty and provide an information request and medical release form to be completed by the claimant and returned to the personnel office. The claimant is required to provide all information and documentation requested by the department specific to the claim. If any requested information is missing, the department will send a second request to the claimant.

(5) Upon receipt of the medical release form and required documentation, the department's labor and industries claims manager, the department's reasonable accommodation program manager, and the senior human resources consultant assigned to the enforcement program will review the information provided by the claimant. From that review, the personnel manager, or designee, will identify one or more licensed medical specialist(s) as appropriate to the independent medical examination. The medical specialist will provide to the personnel manager a current medical analysis with careful consideration of the essential mental, physical and sensory functions of a fish and wildlife officer. The department will pay for the independent medical examination, and will give due consideration for the location of the claimant's current residence. If the claimant fails to attend any scheduled medical examination or fails to comply with department directions, the request for relief from active duty may be denied.

(6) Within sixty days after the receipt of the results of the independent medical examination, the department will arrange for a panel to review the request for relief from active duty. This panel may consist of one or more licensed, qualified medical professionals, representatives of the department of labor and industries or the department of retirement systems, the department's personnel manager or designee, the assistant director for the enforcement program or designee and, at the claimant's expense, a licensed, qualified medical professional of the claimant's choosing. The department will bear the cost of convening this panel with the exception of any costs associated with the medical professional chosen by the claimant. The panel will provide a written recommendation to the director of the department. The director will make a final decision to either grant or not grant relief from active duty. The director's written decision will be provided to the claimant.

(7) If relief from active duty is granted, the department may require periodic reviews of the claimant's medical condition. Such review may include an independent medical examination. Notice of a scheduled examination will be provided via certified mail to the claimant at least thirty days prior to the scheduled exam. It is the claimant's responsibility to provide the department with the claimant's current address at all times that relief from active duty benefits are being paid. If the certified letter is returned, the claimant fails to attend any scheduled medical examination, or the claimant fails at any point to comply with department directions, the relief from active duty benefits may be discontinued. If a medical examination shows that the claimant is able to perform the essential functions of a fish and wildlife officer position, the claimant will be returned to active service and the relief from active duty benefits will be discontinued.

(8) If the relief from active duty request is denied or the benefits are discontinued for any reason, the claimant may file a written appeal with the director. An appeal must include a copy of any written communication from the department regarding the discontinuance, and must describe in detail the reason the relief from active duty benefits should again be provided. In making a decision on whether to renew payment of relief from active duty benefits, the director may review any information related to the on duty injury claim and may require an independent medical examination. The director's decision is final.

[Statutory Authority: RCW 77.12.047. 04-01-056 (Order 03-302), § 220-20-110, filed 12/11/03, effective 1/11/04.]

WAC 220-20-115 Watchable wildlife program. (1) There is established a watchable wildlife program. The minimum amount to participate in the watchable wildlife program is $30.00 per license year, which includes both the license dealer cost and the automated transaction fee.

(2) Applications to participate in the watchable wildlife program must be made through department license dealers. Each person participating in the watchable wildlife program will receive a vehicle use permit from the license dealer.

(3) Each person participating in the watchable wildlife program will receive a watchable wildlife decal and promotional and informational materials from the department throughout the license year. Persons who contribute more than the minimum amount may receive additional materials or consideration.

[Statutory Authority: RCW 77.12.047. 04-01-052 (Order 03-305), § 220-20-115, filed 12/11/03, effective 1/11/04.]

Chapter 220-33 WAC

COLUMBIA RIVER—COMMERCIAL FISHERIES BELOW BONNEVILLE DAM

WAC

220-33-060 Herring and anchovies.

WAC 220-33-060 Herring and anchovies. It is unlawful to fish for herring or anchovies in the lower Columbia River for commercial purposes or to possess herring or anchovies taken from those waters for commercial purposes, except as provided in this section:

Gear

(1) Purse seine and lampara gear may be used to fish for anchovies if the cork line of the gear does not exceed 1,400 feet in length and the mesh size of the gear is not less than one-half inch stretch measure.

(2) Lampara gear may be used to fish for herring if the cork line of the gear does not exceed 1,400 feet in length and the mesh size of the gear is not less than one-half inch stretch measure.

(3) It is unlawful to fish with purse seine or lampara gear in the waters of the Columbia River if any part of the purse seine or lampara is in waters that are less than 20 feet deep.

Licensing

(4)(a) A baitfish purse seine fishery license is a license required to operate a gear provided for in this section and allows the operator to retain anchovies.

(b) A baitfish lampara fishery license is a license required to operate a gear provided for in this section and allows the operator to retain anchovies.

(c) A herring lampara fishery license is a license required to operate a gear provided for in this section and allows the operator to retain herring.

Fishing periods

(5)(a) Purse seine and lampara gear may be used to fish for anchovies in SMCRA 1A 7 days per week from January 1 through December 31 of each year.

(b) Lampara gear may be used to fish for herring in SMCRA 1A 7 days per week from January 1 through December 31.

General

(6) Species of fish other than herring or anchovies, except shad and pilchard, taken in the operation of the purse seine and lampara gear shall be returned immediately to the water. Pilchard taken incidental to the herring and anchovy fisheries provided for in this section may not exceed twenty-five percent of the weight of any landing.

[Statutory Authority: RCW 77.12.047. 03-05-062 (Order 03-26), § 220-33-060, filed 2/18/03, effective 3/21/03; 01-07-016 (Order 01-36), § 220-33-060, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080. 95-23-020 (Order 95-166), § 220-33-060, filed 11/8/95, effective 12/9/95; 94-12-009 (Order 94-23), § 220-33-060, filed 5/19/94, effective 6/19/94; 88-18-066 (Order 88-86), § 220-33-060, filed 9/2/88.]

Chapter 220-36 WAC

GRAYS HARBOR

WAC

220-36-023 Grays Harbor salmon—Fall fishery.
220-36-03001 Grays Harbor—Seasons and lawful gear—Varieties other than salmon and sturgeon.

WAC 220-36-023 Grays Harbor salmon—Fall fishery. August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for coho and chum salmon, and sturgeon:

Time	Areas
7:00 a.m. October 9 through 3:00 p.m. October 9, and 7:00 a.m. October 10 through 3:00 p.m. October 10, 2003	That portion of Area 2A upstream from the Highway 101 Bridge at Aberdeen. That portion of Area 2D north and east of a line projected due south from the 28th street boat launch to Renney Island then southeasterly to Range Marker G then to the eastern boundary of Area 2D at the Highway 101 Bridge.

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) 6-inch maximum mesh restriction, no more than 55 meshes deep.

(c) Soak time shall not exceed 45 minutes. Soak time, defined as the time elapsed from when the first of the gill net web is deployed into the water until the gill net web is fully retrieved from the water, must not exceed 45 minutes.

(d) Each boat will be required to have two operable recovery boxes or one box with two chambers, on board. Each box shall be operating during any time that the net is being retrieved or picked. The flow in the recover box will be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute. Each chamber of the recovery box must meet the following dimensions as measured from within the box; the inside length measurement must be at or within 39 1/2 inches to 48 inches, the inside width measurements must be at or within 8 to 10 inches, and the inside height measurement must be at or within 14 to 16 inches. Each chamber of the recover box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of chamber and 1 3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1 1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(e) All chinook, nonlegal sturgeon, and steelhead must be handled with care to minimize injury to fish and released immediately to the river/bay or to an operating recovery box.

(f) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released to the river/bay.

(g) All fish placed in recovery boxes must be released to the river/bay prior to landing or docking.

(h) Quick reporting is required for wholesale dealers, WAC 220-69-240.

(i) Fishers must be willing to take department observers when participating in these openings.

(2) Gill net gear may be used to fish for salmon and sturgeon:

Time	Areas
6:00 a.m. October 22 through 6:00 p.m. October 22 6:00 a.m. October 23 through 6:00 p.m. October 23 6:00 a.m. October 29 through 6:00 p.m. October 29 6:00 a.m. October 30 through 6:00 p.m. October 30, 2003	Area 2B

(a) Drift gill gear only. Unlawful to use set net gear.

(b) 6 1/2-inch maximum mesh restriction.

(c) Quick reporting required for wholesale dealers.

(d) Fishers must be willing to take department observers when participating in these fisheries.

[Statutory Authority: RCW 77.12.047. 03-18-004 (Order 03-208), § 220-36-023, filed 8/20/03, effective 9/20/03; 01-13-055 (Order 01-104), § 220-36-023, filed 6/15/01, effective 7/16/01; 00-23-065 (Order 00-240), § 220-36-023, filed 11/15/00, effective 12/16/00. Statutory Authority: RCW 75.08.080. 99-24-104 (Order 99-206), § 220-36-023, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-36-023, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-15-148 (Order 97-123), § 220-36-023, filed 7/23/97, effective 8/23/97; 96-13-035 (Order 96-77), § 220-36-023, filed 6/11/96, effective 7/12/96; 95-13-065 (Order 95-76), § 220-36-023, filed 6/19/95, effective 7/20/95; 94-13-014 (Order 94-46), § 220-36-023, filed 6/3/94, effective 7/4/94; 93-14-042 (Order 93-54), § 220-36-023, filed 6/29/93, effective 7/30/93; 90-18-023 (Order 90-77), § 220-36-023, filed 8/24/90, effective 9/24/90; 89-16-056 (Order 89-71), § 220-36-023, filed 7/28/89, effective 8/28/89.]

WAC 220-36-03001 Grays Harbor—Seasons and lawful gear—Varieties other than salmon and sturgeon. (1) It is unlawful in Marine Fish-Shellfish Management and Catch Reporting Area 60B to fish for food fish, other than sturgeon and salmon, with purse seine or lampara gear exceeding 900 feet in length or having meshes of less than one-half inch stretch measure, or with drag seine gear exceeding 700 feet in length or having meshes less than 4-1/2 inches stretch measure, except as provided in WAC 220-36-03001(6). It is unlawful to fish for or possess salmon or sturgeon taken with purse seine, lampara, or drag seine gear.

(2) It is lawful to fish for and possess bottomfish in Marine Fish-Shellfish Management and Catch Reporting Area 60B at any time with set line and hand line jig gear.

(3) It is lawful to retain for commercial purposes bottomfish taken incidental to any lawful commercial salmon fishery in Grays Harbor Salmon Management and Catch Reporting Areas 2A, 2B, 2C, and 2D, and it is lawful to retain bottomfish taken incidental to any lawful sturgeon fishery in Marine Fish-Shellfish Management and Catch Reporting Area 60B.

(4) It is lawful to take, fish for and possess smelt taken for commercial purposes in all waters of Grays Harbor except it is unlawful to take smelt for commercial purposes during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday.

(5) It is lawful to fish for and possess herring, anchovies, candlefish, or pilchards taken for commercial purposes with dip bag net gear at any time in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B.

(6)(a) June 1 through October 31 - It is lawful to fish for and possess anchovies, candlefish, or pilchards with purse seine or lampara in the waters of Grays Harbor, provided it is unlawful to use gear exceeding 1,400 feet in length or containing meshes of less than 1/2-inch stretch measure. It is lawful to fish for herring with lampara gear in the waters of Grays Harbor, provided it is unlawful to use gear exceeding 1,400 feet in length or containing mesh less than 1/2-inch stretch measure. All species of fish other than herring, pilchard, candlefish, and anchovy taken in operation of such purse seine or lampara gear must be immediately returned to the water.

(b) February 1 through April 15 - Closed to all commercial herring, anchovy, candlefish, or pilchard fishing except dip bag net.

(7) It is lawful to take, fish for and possess herring, candlefish, pilchards, or anchovies taken for commercial purposes with a herring weir from April 1 through September 30 in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60B, provided that the lead shall not exceed 300 feet in length or extend into any navigation channel or customary gill net drifting lane. It shall be unlawful for any person to install or operate a herring weir without obtaining written permission from the director of fisheries.

(8) It is unlawful to fish with purse seine or lampara gear at all times in the waters of Marine Fish-Shellfish Manage-

ment and Catch Reporting Area 60B if any part of the purse seine or lampara is in waters that are less than 20 feet deep.

[Statutory Authority: RCW 77.12.047. 03-05-062 (Order 03-26), § 220-36-03001, filed 2/18/03, effective 3/21/03. Statutory Authority: RCW 75.08.080. 95-23-020 (Order 95-166), § 220-36-03001, filed 11/8/95, effective 12/9/95; 85-06-033 (Order 85-14), § 220-36-03001, filed 3/1/85; 84-08-014 (Order 84-24), § 220-36-03001, filed 3/27/84; 80-09-072 (Order 80-69), § 220-36-03001, filed 7/18/80; 79-05-007 (Order 79-20), § 220-36-03001, filed 4/11/79; 78-07-067 (Order 78-45), § 220-36-03001, filed 6/30/78; Order 77-14, § 220-36-030 (codified as WAC 220-36-03001), filed 4/15/77; Order 76-148, § 220-36-030 (codified as WAC 220-36-03001), filed 12/2/76; Order 1049, § 220-36-030, filed 4/11/73; Order 925, § 220-36-030, filed 6/3/71; Order 864, § 220-36-030, filed 5/12/70; Order 726, § 4 (part), filed 4/24/67; subsections 1 and 2 from Order 525, filed 5/3/61; subsection 7 from Order 605, filed 4/21/64; Orders 336 and 256, filed 3/1/60.]

Chapter 220-40 WAC

WILLAPA HARBOR

WAC

220-40-027 Salmon—Willapa Bay fall fishery.

220-40-030 Willapa Bay—Seasons and lawful gear—Varieties other than salmon and sturgeon.

WAC 220-40-027 Salmon—Willapa Bay fall fishery. August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods

(1) Gill net gear may be used to fish for salmon:

Time	Area
6:00 p.m. September 14 through 6:00 p.m. September 26, 2003	Areas 2G east of a line drawn true north-south through Willapa Bay entrance Day beacon 11, 2M, 2H, and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)
6:00 p.m. September 21 through 6:00 p.m. September 22 and 6:00 p.m. September 28 through 6:00 p.m. September 29, 2003	Area 2K
6:00 p.m. September 28 through 6:00 p.m. October 3 and 6:00 p.m. October 7 through 6:00 p.m. October 8, 2003	Areas 2G east of a line drawn true north-south through Willapa Bay entrance Day beacon 11, 2M, 2H, and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)
6:00 p.m. October 14 through 6:00 p.m. October 16, 6:00 p.m. October 19 through 6:00 p.m. October 21, and 6:00 p.m. October 26 through 6:00 p.m. October 28, 2003	Areas 2G west of a line drawn true north-south through Willapa Channel Marker 10 and east of a line projected true south from the most waterward exposed end of the rock jetty located near Washaway Beach but excluding the area southerly and westerly of a line from Island Sands Light to Ramsey Point, 2M and 2J north of a true east-west line drawn through the North Entrance Marker to the Nahcotta Boat Basin (RF #2)
Noon, November 5 through noon November 30, 2003	Areas 2G, 2H, 2J and 2M

(2) The Tokeland Boat basin is closed to commercial fishing during the openings in SMCRA 2G described in this section. The Tokeland Boat basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

Gear

(3) Gill net gear restrictions - All areas:

(a) Drift gill net gear only. It is unlawful to use set net gear.

(b) Prior to September 1, 2003 - No maximum mesh restrictions.

(c) September 1 through 5:59 p.m. October 7, 2003 - 6-inch maximum mesh, no more than 55 meshes deep. Net must hang straight from top to bottom. Strings may only be used to secure break away panels.

(d) October 7 through October 31, 2003 - 6-1/2 inch maximum mesh.

(e) November 1 through November 30, 2003 - 9-inch minimum mesh.

Other

(4) All wholesale dealers and fishers retailing their fish will be required to report their landing by 10:00 a.m. the day following landing. Ticket information can be telephoned in by calling 1-866-791-1280 or faxing the information to 360-664-4689 or e-mailing to harborfishtickets@dfw.wa.gov. Report the dealer name, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch area, total number for each species and the total weight for each species.

[Statutory Authority: RCW 77.12.047. 03-18-004 (Order 03-208), § 220-40-027, filed 8/20/03, effective 9/20/03; 02-16-021 (Order 02-173), § 220-40-027, filed 7/26/02, effective 8/26/02; 01-13-055 (Order 01-104), § 220-40-027, filed 6/15/01, effective 7/16/01; 00-23-065 (Order 00-240), § 220-40-027, filed 11/15/00, effective 12/16/00. Statutory Authority: RCW 75.08.080. 99-24-104 (Order 99-206), § 220-40-027, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-40-027, filed 7/15/98, effective 8/15/98. Statutory

Authority: RCW 75.08.080. 97-15-148 (Order 97-123), § 220-40-027, filed 7/23/97, effective 8/23/97; 96-13-035 (Order 96-77), § 220-40-027, 6/11/96, effective 7/12/96; 95-13-065 (Order 95-76), § 220-40-027, filed 6/19/95, effective 7/20/95; 94-16-017 (Order 94-61), § 220-40-027, filed 7/21/94, effective 8/21/94; 93-14-042 (Order 93-54), § 220-40-027, filed 6/29/93, effective 7/30/93; 90-18-023 (Order 90-77), § 220-40-027, filed 8/24/90, effective 9/24/90; 89-16-056 (Order 89-71), § 220-40-027, filed 7/28/89, effective 8/28/89.]

WAC 220-40-030 Willapa Bay—Seasons and lawful gear—Varieties other than salmon and sturgeon. (1) It is unlawful in Marine Fish-Shellfish Management and Catch Reporting Area 60C to fish for food fish, other than sturgeon and salmon, with purse seine or lampara gear exceeding 900 feet in length or having meshes of less than one-half inch stretch measure, or with drag seine gear exceeding 700 feet in length or having meshes of less than 4-1/2 inches stretch measure, except as provided in WAC 220-40-030(3). It is unlawful to fish for or possess salmon or sturgeon taken with purse seine, lampara, or drag seine gear.

(2) It is lawful to fish for and possess bottomfish taken for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Area 60C, at anytime with set line and hand line jig gear.

(3)(a) June 1 through October 31 - It is lawful to fish for and possess anchovy, candlefish, or pilchards taken for commercial purposes with purse seine or lampara in the waters of Willapa Bay, provided it is unlawful to use gear exceeding 1,400 feet in length or containing meshes less than one-half inch stretch measure. It is lawful to fish for and possess herring taken for commercial purposes with lampara gear from the waters of Willapa Bay, except it is unlawful to use lampara gear exceeding 1,400 feet in length or containing mesh less than 1/2-inch stretch measure. All species of fish other than herring, anchovy, candlefish and pilchard taken in operation with such purse seine or lampara gear must be immediately, with care, returned to the water.

(b) February 1 through March 15 - Closed to all commercial herring, anchovy, candlefish or pilchard fishing except dip bag net.

(c) It is lawful to fish for, take and possess herring, anchovy, candlefish, or pilchards with dip bag net gear at any time in the waters of Willapa Bay.

(4) It is lawful to retain for commercial purposes bottomfish taken incidental to any lawful commercial salmon fishery in Willapa Bay Salmon Management and Catch Reporting Areas 2G, 2H, 2J, 2K, and 2M, and it shall be lawful to retain bottomfish taken incidental to any lawful sturgeon fishery in Marine Fish-Shellfish Management and Catch Reporting Area 60C.

(5) It is lawful to take, fish for and possess smelt taken with hand dip nets in any of the waters of Willapa Bay except it is unlawful to take smelt for commercial purposes during weekly closed periods extending from 8:00 a.m. Thursday to 8:00 p.m. Saturday.

(6) It is lawful to take bottom fish with drag seine in Marine Fish-Shellfish Management and Catch Reporting Area 60C from March 1 through June 30.

(7) It is unlawful to fish with purse seine or lampara gear at all times in the waters of Marine Fish-Shellfish Management and Catch Reporting Area 60C if any part of the purse seine or lampara is in waters that are less than 20 feet deep.

[Statutory Authority: RCW 77.12.047. 03-05-062 (Order 03-26), § 220-40-030, filed 2/18/03, effective 3/21/03. Statutory Authority: RCW 75.08.080. 95-23-020 (Order 95-166), § 220-40-030, filed 11/8/95, effective 12/9/95; 91-08-054 (Order 91-13), § 220-40-030, filed 4/2/91, effective 5/3/91; 85-06-033 (Order 85-14), § 220-40-030, filed 3/1/85; 84-15-008 (Order 84-66), § 220-40-030, filed 7/6/84; 84-08-014 (Order 84-24), § 220-40-030, filed 3/27/84; 80-09-072 (Order 80-69), § 220-40-030, filed 7/18/80; 79-05-007 (Order 79-20), § 220-40-030, filed 4/11/79; Order 77-14, § 220-40-030, filed 4/15/77; Order 76-148, § 220-40-030, filed 12/2/76; Order 76-26, § 220-40-030, filed 1:45 p.m., 4/20/76; Order 925, § 220-40-030, filed 6/3/71; Order 864, § 220-40-030, filed 5/12/70; Order 726, § 4 (part), filed 4/24/67; subsections 1, 2, 3 from Order 679, filed 4/20/66; Order 638, filed 4/28/65; Order 605, filed 4/21/64; Order 569, filed 4/11/63; Order 544, filed 4/3/62; Order 525, filed 5/3/61; Order 507, filed 4/13/60; Orders 483 and 256, filed 2/1/60; subsection 4 from Order 544, filed 4/3/62; Order 525, filed 5/3/61; Orders 448 and 256, filed 3/1/60; subsection 5 from Order 544, filed 4/3/62; Orders 448 and 256, filed 3/1/60; subsections 6, 8, 9 from Order 525, filed 5/3/61; Orders 341 and 256, filed 3/1/60; subsection 7 from Orders 346 and 256, filed 3/1/60.]

Chapter 220-44 WAC
COASTAL WATERS—MARINE FISH

WAC

220-44-050 Coastal bottomfish catch limits.

WAC 220-44-050 Coastal bottomfish catch limits. (1) It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes, or in violation of any gear handling or landing requirement, established by the Pacific Fisheries Management Council and published in the *Federal Register*, Volume 66, No. 8, published January 11, 2001, except thresher shark are further restricted as provided for in this section. Therefore, persons must consult the federal regulations, which incorporated by reference and made a part of chapter 220-44 WAC. Where rules refer to the fishery management area, that area is extended to include Washington state waters coterminous with the exclusive economic zone. A copy of the federal rules may be obtained by contacting Evan Jacoby at 360-902-2930.

(a) It is unlawful to possess, transport through the waters of the state, or land into any Washington port, walleye pollock taken with trawl gear from Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A-1, 59A-2, 60A-1, 60A-2, 61, 62, or 63, except by trawl vessels participating in the directed Pacific whiting fishery and the directed coastal groundfish fishery.

(b) It is unlawful for trawl vessels participating in the directed Pacific whiting and/or the directed coastal groundfish fishery to land incidental catches of walleye pollock greater than forty percent of their total landing by weight, not to exceed ten thousand pounds.

(2) At the time of landing of coastal bottomfish into Washington port, the fish buyer receiving the fish is required to clearly mark on the fish receiving ticket in the space reserved for dealer's use all legally defined trawl gear aboard the vessel at the time of delivery. The three trawl gear types are: Midwater trawl, roller trawl and small foot rope trawl (foot rope less than eight inches in diameter). The notation of the gear type(s) aboard the vessel is required prior to the signing of the fish receiving ticket by the vessel representative.

(3) Vessels engaged in chartered research for National Marine Fisheries Service (NMFS) may land and sell bottomfish caught during that research without the catch being counted toward any trip or cumulative limit for the participating vessel. Vessels that have been compensated for research work by NMFS with an exempted fishing permit (EFP) to land fish as payment for such research may land and sell fish authorized under the EFP without the catch being counted toward any trip or cumulative limit for the participating vessel. Any bottomfish landed during authorized NMFS research or under the authority of a compensating EFP for past chartered research work must be reported on a separate fish receiving ticket and not included on any fish receiving ticket reporting bottomfish landed as part of any trip or cumulative limit. Bottomfish landed under the authority of NMFS research work or an EFP compensating research with fish must be clearly marked "NMFS Compensation Trip" on the fish receiving ticket in the space reserved for dealer's use. The NMFS scientist in charge must sign the fish receiving ticket in the area reserved for dealer's use if any bottomfish are landed during authorized NMFS research. If the fish are landed under the authority of an EFP as payment for research work, the EFP number must be listed in the dealer's use space.

(4) It is unlawful for an original receiver to receive whiting and whiting by-catch under the authority of an exempted fishing permit (EFP) issued by the National Marine Fisheries Service through the department unless the original receiver has entered into a signed agreement with the department specifying the responsibilities of the original receiver in conjunction with the whiting EFP fishery. Failure to comply with the terms of the agreement shall be cause to remove the original receiver from the list of original receivers allowed to receive unsorted whiting catches from EFP vessels.

(5) It is unlawful to land thresher shark taken by any means from state and offshore waters of the Pacific Ocean north of the Washington-Oregon boundary and south of the United States-Canada boundary, and it is unlawful to land thresher shark taken south of the Washington-Oregon boundary unless each thresher shark landed is accompanied by a minimum of two swordfish.

[Statutory Authority: RCW 77.12.047. 03-05-078 (Order 03-31), § 220-44-050, filed 2/18/03, effective 3/21/03; 02-02-051 (Order 01-288), § 220-44-050, filed 12/27/01, effective 1/27/02; 01-13-002 (Order 01-103), § 220-44-050, filed 6/6/01, effective 7/7/01. Statutory Authority: 2000 c 107 § 7. 00-16-033 (Order 00-124), § 220-44-050, filed 7/24/00, effective 8/24/00. Statutory Authority: RCW 75.08.080. 98-15-033 (Order 98-121), § 220-44-050, filed 7/7/98, effective 8/7/98; 98-05-043, § 220-44-050, filed 2/11/98, effective 3/14/98; 96-11-055 (Order 96-43), § 220-44-050, filed 5/9/96, effective 6/9/96; 95-08-069 (Order 95-29), § 220-44-050, filed 4/4/95, effective 5/5/95; 94-13-077 (Order 94-51), § 220-44-050, filed 6/10/94, effective 7/11/94; 93-07-093 (Order 93-16), § 220-44-050, filed 3/22/93, effective 4/22/93; 92-07-008 (Order 97-07), § 220-44-050, filed 3/6/92, effective 4/16/92; 91-07-050 (Order 91-12), § 220-44-050, filed 3/18/91, effective 4/18/91; 90-13-108 (Order 90-26), § 220-44-050, filed 6/21/90, effective 7/22/90. Statutory Authority: RCW 75.08.070 and 75.08.080. 89-14-069 (Order 89-54), § 220-44-050, filed 6/30/89; 89-06-030 (Order 89-07), § 220-44-050, filed 2/24/89; 88-14-020 (Order 88-42), § 220-44-050, filed 6/28/88. Statutory Authority: RCW 75.08.080. 87-07-042 (Order 87-17), § 220-44-050, filed 3/16/87; 86-12-027 (Order 86-39), § 220-44-050, filed 5/28/86. Statutory Authority: RCW 75.08.070 and 75.08.080. 85-07-022 (Order 85-17), § 220-44-050, filed 3/13/85. Statutory Authority: RCW 75.08.080. 84-08-014 (Order 84-24), § 220-44-050, filed 3/27/84; 83-17-030 (Order 83-88), § 220-44-050, filed 8/10/83; 83-10-016 (Order 83-31), § 220-44-050, filed 4/26/83.]

Chapter 220-47 WAC
PUGET SOUND—SALMON

WAC

220-47-301 Puget Sound—Lawful gear—Purse seine.
220-47-302 Puget Sound—Lawful gear—Gill net.
220-47-307 Closed areas—Puget Sound salmon.
220-47-311 Purse seine—Open periods.
220-47-325 Purse seine—Release of incidentally caught fish.
220-47-401 Reef net open periods.
220-47-411 Gill net—Open periods.
220-47-427 Puget Sound—Beach seine—Emerging commercial fishery—Eligibility—Lawful gear.
220-47-428 Beach seine—Open periods.
220-47-430 Puget Sound commercial salmon—Log book required.

WAC 220-47-301 Puget Sound—Lawful gear—Purse seine. (1) Lawful purse seine salmon nets in Puget Sound shall not exceed 1,800 feet in length along the cork line while wet and purse seine and lead combined shall not exceed 2,200 feet. Neither shall contain meshes of a size less than 3-1/2 inches, nor shall the meshes of the seine and lead be lashed together to form one continuous piece of webbed gear. It shall be lawful as part of the purse seine to have a bunt not more than 10 fathoms long which may contain mesh of a size not less than 3-1/2 inches.

(2) It shall be unlawful to take or fish for salmon with purse seine gear in Puget Sound which contains mesh webbing constructed of a twine size smaller than 210/30d nylon, 12 thread cotton or the equivalent diameter in any other material.

(3) It shall be unlawful for any purse seine vessel to carry an extra lead or portion thereof unless stowed below decks during the fishing operation, nor may an extra lead or portion thereof be carried aboard its skiff.

(4) Purse seine mesh size shall be defined as the distance between the inside of one knot to the outside of the opposite vertical knot of one mesh. Minimum mesh size is met if a wedge of legal size can be passed without undue force through the mesh while wet.

(5) A purse seine will not be considered to be fishing once both ends of the seine are attached to the primary vessel.

(6) It shall be unlawful to take or fish for salmon with purse seine gear in Puget Sound unless at least four sections, each measuring no less than 12 inches in length, along the corkline in the bunt and within 75 fathoms of the bunt have no corks or floats attached. These four sections must be spaced such that one section is along the corkline in the bunt, within 5 fathoms of the seine net, and the other three sections must be spaced at least 20 fathoms apart along the corkline within 75 fathoms of the bunt.

[Statutory Authority: RCW 77.12.047. 03-05-076 (Order 03-34), § 220-47-301, filed 2/18/03, effective 3/21/03; 01-07-015 (Order 01-32), § 220-47-301, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-301, filed 7/29/97, effective 8/29/97; 87-15-059 (Order 87-72), § 220-47-301, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-301, filed 6/12/86; Order 988, § 220-47-301, filed 4/28/72.]

WAC 220-47-302 Puget Sound—Lawful gear—Gill net. (1) Lawful drift gill net salmon gear in Puget Sound shall not exceed 1,800 feet in length nor contain meshes of a size less than 5 inches.

(2) Lawful skiff gill net salmon nets in Puget Sound shall not exceed 300 feet in length and 90 meshes in depth nor contain meshes of a size less than 5 inches. Nets must be

retrieved by hand (no hydraulics may be used). Nets must be attended by the fisher at all times.

(3) Drift gill nets and skiff gill nets shall be operated substantially in a straight line. Circle setting or setting other than substantially in a straight line shall be unlawful.

(4) It is unlawful to take or fish for salmon with gill net gear in Areas 7 or 7A sockeye or pink fisheries unless said gill net gear is constructed so that the first 20 meshes below the corkline are composed of five-inch mesh white opaque minimum 210d/30 (#12) diameter nylon twine.

(5) It is unlawful to take or fish for salmon with gill net gear in Areas 7 or 7A between the dates of September 30 and October 20 unless the gill net vessel has aboard and uses operable recovery boxes as described in this subsection.

(a) Dimensions and capacities of required recovery boxes:

(i) Recovery boxes must have two chambers, if one box, or it may be two boxes with one chamber in each box.

(ii) Each recovery box chamber must have an inside length measurement of not less than 39 1/2 inches nor more than 48 inches, an inside width measurement of not less than 8 inches nor more than 10 inches, and an inside height measurement of not less than 14 inches nor more than 16 inches.

(iii) Each chamber of the recovery box must have an inlet hole measuring between 3/4 inch and 1 inch in diameter, and the inlet hole must be centered horizontally across the door or wall of the chamber and the bottom of the hole must be located 1 3/4 inches above the floor of the chamber.

(iv) Each chamber of the recovery box must include a water outlet hole on the opposite wall from the inlet hole, and the outlet hole must be at least 1 1/2 inches in diameter with the bottom of the outlet hole located 12 inches above the floor of the chamber.

(v) Flow of water through each chamber of the recovery boxes must be not less than 16 gallons per minute nor more than 20 gallons per minute.

(b) Each box and chamber must be operating during any time that the net is being retrieved or picked.

(c) The vessel operator must demonstrate to department employees, upon request, that the pumping system is delivering the proper volume of fresh seawater into each chamber.

(d) All salmon not to be retained must be released immediately with care and the least possible injury to the fish, or placed into the operating recovery box.

(e) Any fish that is bleeding or lethargic must be placed in the recovery box prior to being released.

(f) All fish placed in the recovery boxes must be released within the same catch area as the area of capture, and the release must occur prior to landing or docking.

[Statutory Authority: RCW 77.12.047. 03-18-005 (Order 03-210), § 220-47-302, filed 8/20/03, effective 9/20/03. Statutory Authority: RCW 75.08.080. 99-24-011 (99-202), § 220-47-302, filed 11/19/99, effective 12/20/99; 97-16-030 (Order 97-124), § 220-47-302, filed 7/29/97, effective 8/29/97; 93-14-041 (Order 93-55), § 220-47-302, filed 6/29/93, effective 7/30/93; 92-15-105 (Order 92-47), § 220-47-302, filed 7/20/92, effective 8/20/92; Order 988, § 220-47-302, filed 4/28/72.]

WAC 220-47-307 Closed areas—Puget Sound salmon. It is unlawful at any time, unless otherwise provided, to take, fish for, or possess salmon taken for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas, except that closures listed in this section shall not apply to reef net fishing areas listed in RCW 77.50.050:

Areas 4B, 5, 6, 6B, and 6C - The Strait of Juan de Fuca Preserve as defined in WAC 220-47-266.

Area 6D - That portion within 1/4 mile of each mouth of the Dungeness River.

Area 7 - (1) The San Juan Island Preserve as defined in WAC 220-47-262.

(2) Those waters within 1,500 feet of shore on Orcas Island from Deer Point northeasterly to Lawrence Point thence west to a point intercepting a line projected from the northernmost point of Jones Island thence 90° true to Orcas Island.

(3) Those waters within 1,500 feet of the shore of Cypress Island from Cypress Head to the northernmost point of Cypress Island.

(4) Those waters easterly of a line projected from Iceberg Point to Iceberg Island, to the easternmost point of Charles Island, then true north from the northernmost point of Charles Island to the shore of Lopez Island.

(5) Those waters northerly of a line projected from the southernmost point of land at Aleck Bay to the westernmost point of Colville Island, thence from the easternmost point of Colville Island to Point Colville.

(6) Those waters easterly of a line projected from Biz Point on Fidalgo Island to the Williamson Rocks Light, thence to the Dennis Shoal Light, thence to the light on the westernmost point of Burrows Island, thence to the southwesternmost point of Fidalgo Head, and including those waters within 1,500 feet of the western shore of Allan Island, those waters within 1,500 feet of the western shore of Burrows Island, and those waters within 1,500 feet of the shore of Fidalgo Island from the southwesternmost point of Fidalgo Head northerly to Shannon Point.

(7) Additional Fraser sockeye and pink seasonal closure: Those waters within 1,500 feet of the shore of Fidalgo Island from the Initiative 77 marker northerly to Biz Point.

(8) Those waters within 1,500 feet of the eastern shore of Lopez Island from Point Colville northerly to Lopez Pass, and those waters within 1,500 feet of the eastern shore of Decatur Island from the southernmost point of land northerly to Fauntleroy Point, and including those waters within 1,500 feet of the shore of James Island.

Area 7A - The Drayton Harbor Preserve as defined in WAC 220-47-252.

Area 7B - That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeastern tip of Guemes Island, and that portion northerly of the railroad trestle in Chuckanut Bay.

Area 7C - That portion southeasterly of a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 - (1) That portion of Skagit Bay easterly of a line projected from Brown Point on Camano Island to a white monument on the easterly point of Ika Island, thence across the Skagit River to the terminus of the jetty with McGlinn Island.

(2) Those waters within 1,500 feet of the western shore of Camano Island south of a line projected true west from Rocky Point.

Area 8A - (1) Those waters easterly of a line projected from Mission Point to Buoy C1, excluding the waters of Area 8D, thence through the green light at the entrance jetty of the Snohomish River and across the mouth of the Snohomish River to landfall on the eastern shore, and those waters northerly of a line from Camano Head to the northern boundary of Area 8D.

(2) Additional pink seasonal closure: Those waters southerly of a line projected from the Clinton ferry dock to the Mukilteo ferry dock.

Area 8D - Those waters easterly of a line projected from Mission Point to Hermosa Point.

Area 9 - Those waters lying inside and westerly of a line projected from the Point No Point light to Sierra Echo buoy thence to Forbes Landing wharf, east of Hansville.

Area 10 - (1) Those waters easterly of a line projected from Meadow Point to West Point.

(2) Those waters of Port Madison northwest of a line from the Agate Pass entrance light to the light on the end of the Indianola dock.

(3) Additional coho seasonal closure: Those waters of Elliott Bay east of a line from Alki Point to the light at Fourmile Rock and those waters northerly of a line projected from Point Wells to "SF" Buoy then west to President's Point.

Area 10E - Those waters of Liberty Bay north of a line projected due east from the southernmost Keyport dock, those waters of Dyes Inlet north of the Manette Bridge, and those waters of Sinclair Inlet southwest of a line projected true east from the Bremerton ferry terminal.

Area 11 - (1) Those waters northerly of a line projected true west from the light at the mouth of Gig Harbor and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

(2) Additional coho seasonal closure: Those waters south of a line projected from the light at the mouth of Gig Harbor to the Tahlequah ferry dock then south to the Point Defiance ferry dock, and those waters south of a line projected from the Point Defiance ferry dock to Dash Point.

Area 12 - Those waters inside and easterly of a line projected from Lone Rock to the navigation light off Big Beef Creek, thence southerly to the tip of the outermost northern headland of Little Beef Creek.

Area 12A - Those waters north of a line projected due east from Broad Spit.

Area 12B - Those waters within 1/4 mile of the mouths of the Dosewallips, Duckabush, and Hamma Hamma rivers and Anderson Creek.

Areas 12, 12A, and 12B - Additional chinook seasonal closure: Those waters north and east of a line projected from Tekiu Point to Triton Head.

Areas 12, 12B and 12C - Those waters within 1,000 feet of the eastern shore.

Area 12C - (1) Those waters within 2,000 feet of the western shore between the dock at Glen Ayr R.V. Park and the Hoodsport marina dock.

(2) Those waters south of a line projected from the Cushman Powerhouse to the public boat ramp at Union.

(3) Those waters within 1/4 mile of the mouth of the Dewatto River.

Areas 12 and 12D - Additional coho and chum seasonal closure: Those waters of Area 12 south and west of a line projected 94 degrees true from Hazel Point to the light on the opposite shore, bounded on the west by the Area 12/12B boundary line, and those waters of Area 12D.

Area 13A - Those waters of Burley Lagoon north of State Route 302, those waters within 1,000 feet of the outer oyster stakes off Minter Creek Bay including all waters of Minter Creek Bay, those waters westerly of a line drawn due north from Thompson Spit at the mouth of Glen Cove, and those waters within 1/4 mile of Green Point.

[Statutory Authority: RCW 77.12.047. 03-18-005 (Order 03-210), § 220-47-307, filed 8/20/03, effective 9/20/03. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-307, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-47-307, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-307, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-307, filed 7/22/96, effective 8/22/96; 95-13-056 (Order 95-75), § 220-47-307, filed 6/16/95, effective 7/17/95; 94-15-001 (Order 94-62), § 220-47-307, filed 7/6/94, effective 8/6/94; 92-15-105 (Order 92-47), § 220-47-307, filed 7/20/92, effective 8/20/92; 91-18-024 (Order 91-72), § 220-47-307, filed 8/27/91, effective 9/27/91; 90-13-025 (Order 90-49), § 220-47-307, filed 6/11/90, effective 7/12/90; 88-14-133 (Order 88-48), § 220-47-307, filed 7/6/88; 85-13-032 (Order 85-60), § 220-47-307, filed 6/12/85; 84-13-078 (Order 84-53), § 220-47-307, filed 6/21/84; 83-14-020 (Order 83-57), § 220-47-307, filed 6/28/83; 82-15-040 (Order 82-83), § 220-47-307, filed 7/15/82; 81-18-017 (Order 81-101), § 220-47-307, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-307, filed 8/6/80.]

WAC 220-47-311 Purse seine—Open periods. It is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided for hereinafter in each respective Management and Catch Reporting Area:

AREA	TIME		DATE
7, 7A:	7AM - 7PM		10/16
	7AM - 6PM		10/23
	6AM - 5PM		10/29
	7AM - 5PM		11/6
7B, 7C	6AM - 9PM		8/20
7B:	6AM 9/8	-	8PM 9/10
	6AM 9/15	-	8PM 9/17
	7AM 9/21	-	7PM 10/25
	6AM 10/27	-	4PM 10/31
	6AM 11/3	-	4PM 11/7
	7AM 11/10	-	4PM 11/14
	7AM 11/17	-	4PM 11/21
	7AM 11/24	-	4PM 11/28
	8AM 12/1	-	4PM 12/5

Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to purse seines beginning 12:01 a.m. on the last Monday in October and is open until 4:00 p.m. on the first Friday in December.

8:	6AM - 8PM	8/28
	6AM - 8PM	9/3
	7AM - 5PM	11/6
8A:	6AM - 9PM	8/18, 8/20
	6AM - 8PM	8/26, 8/28
	7AM - 7PM	10/6, 10/13, 10/20
	6AM - 5PM	10/27, 10/29
	7AM - 5PM	11/5, 11/10, 11/12, 11/19, 11/24, 11/26
8D:	7AM - 7PM	9/25, 10/2, 10/6, 10/13, 10/20
	6AM - 5PM	10/27, 10/29
	7AM - 5PM	11/3, 11/10, 11/12, 11/19, 11/24, 11/26
10, 11:	7AM - 7PM	10/13, 10/20
	6AM - 5PM	10/27
	7AM - 5PM	11/5, 11/10

AREA	TIME	DATE
12, 12B:	7AM - 7PM	10/20
	6AM - 5PM	10/27, 10/29
	7AM - 5PM	11/5, 11/10
12C:	7AM - 5PM	11/10, 11/17, 11/24

It is unlawful to retain the following salmon species taken with purse seine gear within the following areas during the following periods:

Chinook salmon - at all times in Areas 7, 7A, 8, 8A, 8D, 10, 11, 12, 12B, and 12C

Coho salmon - at all times in Areas 7, 7A, 10, and 11, and prior to September 8 in Area 7B

Sockeye salmon - prior to September 8 in Area 7B

Chum salmon - prior to October 1 in Areas 7 and 7A. All other saltwater and freshwater areas - closed.

[Statutory Authority: RCW 77.12.047. 03-18-005 (Order 03-210), § 220-47-311, filed 8/20/03, effective 9/20/03; 02-16-004 (Order 02-167), § 220-47-311, filed 7/25/02, effective 8/25/02; 01-13-056 (Order 01-106), § 220-47-311, filed 6/15/01, effective 7/16/01; 00-18-023 (Order 00-172), § 220-47-311, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-311, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-47-311, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-311, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-311, filed 7/22/96, effective 8/22/96; 95-13-056 (Order 95-75), § 220-47-311, filed 6/16/95, effective 7/17/95; 94-15-001 (Order 94-62), § 220-47-311, filed 7/6/94, effective 8/6/94; 93-14-041 (Order 93-55), § 220-47-311, filed 6/29/93, effective 7/30/93; 92-15-105 (Order 92-47), § 220-47-311, filed 7/20/92, effective 8/20/92; 91-18-024 (Order 91-72), § 220-47-311, filed 8/27/91, effective 9/27/91; 90-13-025 (Order 90-49), § 220-47-311, filed 6/11/90, effective 7/12/90; 89-13-004 (Order 89-44), § 220-47-311, filed 6/8/89; 88-14-133 (Order 88-48), § 220-47-311, filed 7/6/88; 87-15-059 (Order 87-72), § 220-47-311, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-311, filed 6/12/86; 85-13-032 (Order 85-60), § 220-47-311, filed 6/12/85; 84-13-078 (Order 84-53), § 220-47-311, filed 6/21/84; 83-14-020 (Order 83-57), § 220-47-311, filed 6/28/83; 82-15-040 (Order 82-83), § 220-47-311, filed 7/15/82; 81-18-017 (Order 81-101), § 220-47-311, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-311, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-311, filed 4/13/78; Order 77-66, § 220-47-311, filed 8/5/77; Order 77-14, § 220-47-311, filed 4/15/77; Order 76-41, § 220-47-311, filed 6/4/76; Order 1251, § 220-47-311, filed 8/18/75; Order 1210, § 220-47-311, filed 5/26/75; Order 1143, § 220-47-311, filed 8/8/74; Order 1125, § 220-47-311, filed 6/6/74; Order 1066, § 220-47-311, filed 7/19/73; Order 1057, § 220-47-311, filed 5/22/73; Order 988, § 220-47-311, filed 4/28/72.]

WAC 220-47-325 Purse seine—Release of incidentally caught fish. (1) It is unlawful for any purse seine vessel operator landing salmon to land salmon directly into the hold. All salmon must be landed to the deck, or sorting tray or table, of the harvesting vessel with the hold hatch cover(s) closed until release of salmon that may not be retained is complete and additionally:

(2) In Areas 7 and 7A and prior to September 8 in Areas 7B and 7C, it is unlawful for any purse seine vessel operator to bring salmon aboard a vessel unless all salmon captured in the seine net are removed from the seine net using a brailer or dip net meeting the specifications in this section prior to the seine net being removed from the water.

(3) The brailer shall be constructed in the following manner and with the following specifications:

(a) A bag of web hung on a rigid hoop attached to a handle;

(b) The bag shall be opened by releasing a line running through rings attached to the bottom of the bag; and

(c) The web shall be of soft knotless construction and the mesh size may not exceed 57 mm (2.25 inches) measured along two contiguous sides of a single mesh.

(4) Hand held dip nets shall be constructed of a shallow bag of soft, knotless web attached to a handle.

[Statutory Authority: RCW 77.12.047. 03-18-005 (Order 03-210), § 220-47-325, filed 8/20/03, effective 9/20/03. Statutory Authority: RCW 75.08.080. 99-24-011 (99-202), § 220-47-325, filed 11/19/99, effective 12/20/99; 97-16-030 (Order 97-124), § 220-47-325, filed 7/29/97, effective 8/29/97.]

WAC 220-47-401 Reef net open periods. (1) It is unlawful to take, fish for or possess salmon taken with reef net gear for commercial purposes in Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas, during the periods provided for hereinafter in each respective area:

AREA	TIME	-	DATE(S)
7, 7A	7AM - 7PM Daily		9/16 - 11/15

(2) It is unlawful to take, fish for, or possess salmon taken with reef net gear during the period September 16 through September 30 unless the reef net license holder provides the department with 24-hour notice prior to each day of fishing and assists the department with collection of DNA tissue samples from chum salmon. The daily fishing notice to the department must include the reef net license holder's name and a telephone number where they can be contacted, and the notice must be given by one of the following three means:

(a) Fax transmission to 360-902-2949;

(b) E-mail to psfishtickets@dfw.wa.gov; or

(c) Toll-free telephone call to 1-866-791-1279.

(3) It is unlawful to retain chinook salmon taken with reef net gear at all times, and it is unlawful to retain wild coho salmon taken with reef net gear prior to October 1. All other saltwater and freshwater areas - closed.

[Statutory Authority: RCW 77.12.047. 03-18-005 (Order 03-210), § 220-47-401, filed 8/20/03, effective 9/20/03; 02-16-004 (Order 02-167), § 220-47-401, filed 7/25/02, effective 8/25/02; 01-13-056 (Order 01-106), § 220-47-401, filed 6/15/01, effective 7/16/01; 00-18-023 (Order 00-172), § 220-47-401, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-401, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-47-401, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-401, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-401, filed 7/22/96, effective 8/22/96; 95-13-056 (Order 95-75), § 220-47-401, filed 6/16/95, effective 7/17/95; 94-15-001 (Order 94-62), § 220-47-401, filed 7/6/94, effective 8/6/94; 93-14-041 (Order 93-55), § 220-47-401, filed 6/29/93, effective 7/30/93; 92-15-105 (Order 92-47), § 220-47-401, filed 7/20/92, effective 8/20/92; 91-18-024 (Order 91-72), § 220-47-401, filed 8/27/91, effective 9/27/91; 90-13-025 (Order 90-49), § 220-47-401, filed 6/11/90, effective 7/12/90; 89-13-004 (Order 89-44), § 220-47-401, filed 6/8/89; 88-14-133 (Order 88-48), § 220-47-401, filed 7/6/88; 87-15-059 (Order 87-72), § 220-47-401, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-401, filed 6/12/86; 81-18-017 (Order 81-101), § 220-47-401, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-401, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-401, filed 4/13/78; Order 77-66, § 220-47-401, filed 8/5/77; Order 77-14, § 220-47-401, filed 4/15/77; Order 76-41, § 220-47-401, filed 6/4/76; Order 1210, § 220-47-401, filed 5/26/75; Order 1143, § 220-47-401, filed 8/8/74; Order 1125, § 220-47-401, filed 6/6/74; Order 1066, § 220-47-401, filed 7/19/73; Order 1057, § 220-47-401, filed 5/22/73; Order 988, § 220-47-401, filed 4/28/72.]

WAC 220-47-411 Gill net—Open periods. It is unlawful to take, fish for or possess salmon taken with gill net gear

for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

AREA	TIME	-		DATE(S)	MINIMUM MESH
6D:	7AM	-	7PM	9/29, 9/30, 10/1, 10/2, 10/3, 10/6, 10/7, 10/8, 10/9, 10/10, 10/13, 10/14, 10/15, 10/16, 10/17, 10/20, 10/21, 10/22, 10/23, 10/24, 10/27, 10/28, 10/29, 10/30, 10/31	5"
Note: In Area 6D it is unlawful to use other than 5-inch minimum and 5 1/2-inch maximum mesh in the skiff gill net fishery. It is unlawful to retain chinook or pink salmon taken in Area 6D at any time, or any chum salmon taken in Area 6D prior to October 16. In Area 6D, any chinook, chum or pink salmon required to be released, must be removed from the net by cutting the meshes ensnaring the fish.					
7, 7A:	7AM	-	8PM	10/15, 10/22	6 1/4"
Note: In Areas 7 and 7A after September 30 but prior to October 20, it is unlawful to use a net soak time of more than 45 minutes. Net soak time is defined as the time elapsed from when the first of the gill net web enters the water until the gill net is fully retrieved from the water.					
	7AM	-	7PM	10/30, 11/5	6 1/4"
7B/7C:	7PM	-	8AM	NIGHTLY 8/18, 8/24, 8/26, 8/28, 8/31, 9/2, 9/4	7"
7B:	7PM	-	9AM	NIGHTLY 9/7, 9/9, 9/11	5"
	6PM	-	8AM	NIGHTLY 9/14, 9/16, 9/18	
	7AM 9/21	-	4PM	10/25	
	7AM 10/27	-	4PM 10/31		6 1/4"
	7AM 11/3	-	4PM 11/7		
	7AM 11/10	-	4PM 11/14		
	7AM 11/17	-	4PM 11/21		
	7AM 11/24	-	4PM 11/28		
	8AM 12/1	-	4PM 12/5		
Note: That portion of Area 7B east of a line from Post Point to the flashing red light at the west entrance to Squalicum Harbor is open to gill nets using 6 1/4-inch minimum mesh beginning 12:01AM on the last day in October and is open until 4:00 PM on the first Friday in December.					
8:	6AM	-	8PM	8/28, 9/3	5"
Note: In Area 8 openings it is unlawful to use other than 5 inch minimum mesh, maximum 60 meshes in depth.					
	7AM	-	7PM	11/6	6 1/4"
8A:	7PM	-	8AM	NIGHTLY 8/18, 8/20, 8/25, 8/27	6 1/4"
Note: In Area 8A openings on 8/18, 8/20, 8/25, and 8/27, it is unlawful to use other than 5 inch minimum and 5 1/2-maximum mesh gill nets.					
	6PM	-	8AM	NIGHTLY 10/7	
	5PM	-	8AM	NIGHTLY 10/12, 10/14, 10/16, 10/19, 10/21, 10/23	
	4PM	-	8AM	NIGHTLY 10/27, 10/28, 10/29, 10/30, 11/2, 11/4, 11/6, 11/10, 11/11, 11/12, 11/13, 11/16, 11/18, 11/20, 11/24, 11/25, 11/26, 11/27	
8D:	6PM	-	8AM	NIGHTLY 9/21, 9/23, 9/25, 9/28, 9/30, 10/2, 10/5, 10/7, 10/9, 10/12, 10/14, 10/16, 10/19, 10/21, 10/23	5"
	4PM	-	8AM	NIGHTLY 10/27, 10/28, 10/29, 10/30, 11/2, 11/4, 11/6, 11/10, 11/11, 11/12, 11/13, 11/16, 11/18, 11/20, 11/24, 11/25, 11/26, 11/27	6 1/4"
9A:	6AM	-	9PM	8/26, 8/28	5"
	6AM 8/31	-	4PM 10/25		
Note: It is unlawful to retain chum salmon taken in Area 9A prior to October 1 and unlawful to retain chinook salmon at any time. Any salmon not to be retained must be released from the net by cutting the meshes ensnaring the fish. Logbooks required in accordance with WAC 220-47-430.					
10, 11:	5PM	-	8AM	NIGHTLY 10/12, 10/14, 10/16, 10/19, 10/21, 10/23	6 1/4"
	4PM	-	8AM	NIGHTLY 10/26, 10/28, 10/30, 11/2, 11/4, 11/6, 11/9, 11/11, 11/13	
12, 12B:	7AM	-	8PM	10/21, 10/22, 10/23	6 1/4"
	7AM	-	7PM	10/28, 10/30, 10/31, 11/3, 11/4, 11/6, 11/11, 11/12, 11/13	
	7AM	-	6PM	11/18, 11/19, 11/20	
Note: It is unlawful to fish for or possess salmon taken with gill net gear in that part of Area 12B south of a line from Quatsap Point to Hood Point on the following dates: 10/22, 10/23, 10/30, 10/31, 11/3, 11/4, 11/12, 11/13, 11/19, and 11/20.					
12C:	7AM	-	7PM	11/11. Openings on these dates are subject to further discussions with tribe. If openings do occur, they will be by emergency regulation.	6 1/4"
	7AM	-	6PM	11/18, 11/25. Openings on these dates are subject to further discussions with tribe. If openings do occur, they will be by emergency regulation.	

All other saltwater and freshwater areas - closed.

Nightly openings refer to the start date.

Within an area or areas, a mesh size restriction remains in effect from the first date indicated until a mesh size change is shown, and the new mesh size restriction remains in effect until changed.

[Statutory Authority: RCW 77.12.047. 03-16-101 (Order 03-179), § 220-47-411, filed 8/6/03, effective 9/6/03; 02-16-004 (Order 02-167), § 220-47-411, filed 7/25/02, effective 8/25/02; 01-13-056 (Order 01-106), § 220-47-411, filed 6/15/01, effective 7/16/01; 00-18-023 (Order 00-172), § 220-47-411, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-411, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-47-411, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-411, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-411, filed 7/22/96,

effective 8/22/96; 95-13-056 (Order 95-75), § 220-47-411, filed 6/16/95, effective 7/17/95; 94-15-001 (Order 94-62), § 220-47-411, filed 7/6/94, effective 8/6/94; 93-14-041 (Order 93-55), § 220-47-411, filed 6/29/93, effective 7/30/93; 92-15-105 (Order 92-47), § 220-47-411, filed 7/20/92, effective 8/20/92; 91-18-024 (Order 91-72), § 220-47-411, filed 8/27/91, effective 9/27/91; 90-13-025 (Order 90-49), § 220-47-411, filed 6/11/90, effective 7/12/90; 89-13-004 (Order 89-44), § 220-47-411, filed 6/8/89; 88-14-133 (Order 88-48), § 220-47-411, filed 7/6/88; 87-15-059 (Order 87-72), § 220-47-411, filed 7/14/87; 86-13-038 (Order 86-46), § 220-47-411, filed 6/12/86; 85-13-032 (Order 85-60), § 220-47-411, filed 6/12/85; 84-13-078 (Order 84-53), § 220-47-411, filed 6/21/84; 83-14-020 (Order 83-57), § 220-47-411, filed 6/28/83; 82-15-040 (Order 82-83), § 220-47-411, filed 7/15/82; 81-18-017 (Order 81-101), § 220-47-411, filed 8/25/81; 80-10-058 (Order 80-83), § 220-47-411, filed 8/6/80; 78-05-018 (Order 78-16), § 220-47-411, filed 4/13/78; Order 77-66, § 220-47-411, filed 8/5/77; Order 77-14, § 220-47-411, filed 4/15/77; Order 76-41, § 220-47-411, filed 6/4/76; Order 1251, § 220-47-411, filed 8/18/75; Order 1210, § 220-47-411, filed 5/26/75; Order 1143, § 220-47-411, filed 8/8/74; Order 1125, § 220-47-411, filed 6/6/74; Order 1066, § 220-47-411, filed 7/19/73; Order 1057, § 220-47-411, filed 5/22/73; Order 988, § 220-47-411, filed 4/28/72.]

WAC 220-47-427 Puget Sound—Beach seine—Emerging commercial fishery—Eligibility—Lawful gear. (1) The Puget Sound beach seine salmon fishery is designated as an emerging commercial fishery for which a vessel is required. An emerging commercial fishery license and an experimental fishery permit are required to participate in this fishery.

(2) The department will issue five salmon beach seine experimental fishery permits.

(3) The following is the selection process the department will use to offer a salmon beach seine experimental permit.

(a) Persons who held a salmon beach seine experimental fishery permit in the previous management year will be eligible for a permit in the current management year.

(b) The department established a pool of applicants by drawing on August 13, 2002. The pool established by this drawing will be maintained to replace any permit(s) which may be voided.

(4) Permit holders are required to participate in the salmon beach seine experimental fishery.

(a) For purposes of this section, "participation" means the holder of the salmon beach seine experimental permit being aboard the designated vessel in the open fishery area two days each week during the open fishing period.

(b) If the salmon beach seine experimental permit holder fails to participate, the salmon beach seine experimental permit issued to that fisher will be void and a new salmon beach seine experimental permit will be issued through a random drawing from the applicant pool established in 2002.

(c) The department may require proof of participation by maintaining a department approved log book or registering with state officials each day the salmon beach seine experimental permit holder participates.

(d) Persons who participate, but violate conditions of a salmon beach seine experimental permit, will have the permit voided and a new salmon beach seine experimental permit will be reissued through a random drawing from the pool of the voided permit holder.

(5) In Quilcene Bay, chum salmon may not be retained by a salmon beach seine experimental permit holder. Chum salmon in Quilcene Bay must be released alive, or, at the direction of federal or state officials, submitted for broodstock purposes.

(6) Any person who fails to purchase the license, fails to participate, or violates the conditions of a salmon beach seine experimental permit will have his or her name permanently withdrawn from the pools.

(7) It is unlawful to take salmon with beach seine gear that does not meet the requirements of this subsection.

(a) Beach seine salmon nets in Puget Sound shall not exceed 600 feet in length or 100 meshes in depth, or contain meshes of a size less than 3 inches or greater than 4 inches.

(b) Mesh webbing must be constructed with a twine size no smaller than 210/30d nylon, 12 thread cotton, or the equivalent diameter in any other material.

[Statutory Authority: RCW 77.12.047. 03-18-005 (Order 03-210), § 220-47-427, filed 8/20/03, effective 9/20/03; 00-18-023 (Order 00-172), § 220-47-427, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-427, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-47-427, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-427, filed 7/29/97, effective 8/29/97; 96-19-049 (Order 96-152), § 220-47-427, filed 9/12/96, effective 10/13/96.]

WAC 220-47-428 Beach seine—Open periods. It is unlawful to take, fish for, or possess salmon taken with beach seine gear for commercial purposes from Puget Sound except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the periods provided hereinafter in each respective Management and Catch Reporting Area:

AREA	TIME -	DATE(S)
7B	7AM - 7PM Daily	10/13, 10/14, 10/15, 10/16, 10/17, 10/20, 10/21, 10/22, 10/23, 10/24, 10/27, 10/28, 10/29, 10/30, 10/31, 11/3, 11/4, 11/5, 11/6, 11/7, 11/10, 11/11, 11/12, 11/13, 11/14
12A	7AM - 7PM Daily	8/25, 8/26, 8/27, 8/28, 8/29, 9/1, 9/2, 9/3, 9/4, 9/5, 9/8, 9/9, 9/10, 9/11, 9/12, 9/15, 9/16, 9/17, 9/18, 9/19, 9/22, 9/23, 9/24, 9/25, 9/26, 9/29, 9/30, 10/1, 10/2, 10/3

Note: By condition of the salmon experimental beach seine permit, only the following waters of Area 7B and Area 12A are open to beach seine fishing for salmon during the open dates designated in WAC 220-47-428:
Area 7B - Those waters of Area 7B lying northerly and easterly of a line extending from Governors Point to the Red #2 bell buoy to the point where the pipeline from Tilbury Cement Pier contacts the shore.
Area 12A - Those waters of Area 12A lying northerly of a line extending from Whitney Point to the flashing light off Fishermans Point then to Fishermans Point on the Bolton Peninsula, excluding waters within 1000 feet of the western shoreline, as the shoreline is defined by the mean higher high stage of the tide, between Whitney Point and mouth of the Little Quilcene River.

It is unlawful to retain chinook taken with beach seine gear in all areas, and unlawful to retain chum from Area 12A.

[Statutory Authority: RCW 77.12.047. 03-18-005 (Order 03-210), § 220-47-428, filed 8/20/03, effective 9/20/03; 02-16-004 (Order 02-167), § 220-47-428, filed 7/25/02, effective 8/25/02; 01-13-056 (Order 01-106), § 220-47-428, filed 6/15/01, effective 7/16/01; 00-18-023 (Order 00-172), § 220-47-428, filed 8/28/00, effective 9/28/00. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-428, filed 11/19/99, effective 12/20/99. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-47-428, filed 7/15/98, effective 8/15/98. Statutory Authority:

RCW 75.08.080. 97-16-030 (Order 97-124), § 220-47-428, filed 7/29/97, effective 8/29/97; 96-15-101 (Order 96-81), § 220-47-428, filed 7/22/96, effective 8/22/96.]

WAC 220-47-430 Puget Sound commercial salmon—Log book required. It is unlawful for any licensed commercial salmon fisher fishing for salmon in Puget Sound SMCRAs 7 and 7A during the Fraser Panel-controlled sockeye and pink salmon seasons promulgated by National Oceanic and Atmospheric Administration Fisheries, or SMCRA 9A during the coho fishery set out in WAC 220-47-411, to fail to possess and maintain a department-approved Puget Sound Commercial Salmon Log Book as provided for in this section:

(1) The log book must be kept aboard the vessel while it is fishing in SMCRAs 7, 7A and 9A, or while in possession of fish caught in these areas. The fisher must submit the completed log book for inspection immediately upon request by authorized department representatives.

(2) In each purse seine log book the fisher shall record the vessel name and license number. For each day fished, the fisher shall record the date. Immediately following each retrieval of the net the fisher shall record the Puget Sound Commercial Salmon Log Book Location Code, the time of the retrieval, and the number of chinook, coho and chum salmon in the net upon retrieval.

(3) In each gill net log book the fisher shall record the vessel name and license number. For each day fished, the fisher shall record the date. Immediately following each retrieval of the net the vessel operator shall record the Puget Sound Commercial Salmon Log Book Location Code where the net is retrieved, the start and end time of the set when fishing in SMCRA 7 and 7A the number of chinook, coho and chum salmon in the net upon retrieval must be recorded for each retrieval of the net. When fishing in SMCRA 9A the number of chinook and chum in the net upon retrieval must be recorded for each retrieval of the net.

(4) The following are the Puget Sound Commercial Salmon Log Book Location Codes that are required entries in purse seine log books and gill net log books as provided for in this section:

(a) Location Code 1: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7A northerly of a line projected from Birch Point to Savage Point on Tumbo Island.

(b) Location Code 2: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7A southerly of a line projected from Birch Point to Savage Point on Tumbo Island.

(c) Location Code 3: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7 easterly of a line projected true north from Orcas Island through the easternmost point on Matia Island to the intersection with the 7/7A boundary line and easterly of a line projected from Point Colville on Lopez Island to Smith Island.

(d) Location Code 4: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7 westerly and northerly of a line projected from Point Colville on Lopez Island to Smith Island and thence to the Y B "VD" buoy on Beaumont Shoal (as listed on NOAA Chart 18421, 38th ed., Oct. 31/92) and southerly of a line projected from Cadboro Point on Vancouver Island 60 degrees true to the point of land on San Juan Island.

(e) Location Code 5: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7 southerly of a line projected from Smith Island to the Y B "VD" buoy on Beaumont Shoal (as listed on NOAA Chart 18421, 38th ed., Oct. 31/92).

(f) Location Code 6: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 7 northerly of a line projected from Cadboro Point on Vancouver Island 60 degrees true to the point of land on San Juan Island and westerly of a line projected true north from Orcas Island through the easternmost point on Matia Island to the intersection with the 7/7A boundary line.

(5) Location Code 7: Those waters of Puget Sound Commercial Salmon Management and Catch Reporting Area 9A southerly of a line projected true west from the shoreward end of the Port Gamble tribal dock on Point Julia to the mainland in the community of Port Gamble and those on-reservation waters of Hood Canal north of Port Gamble Bay to the marker at the north end of the Port Gamble Indian reservation.

(6) In each reef net log book the fisher shall record the fisher's name and license number and the location of the fishing site. For each day fished the fisher shall record the date and the total number of chinook, coho and chum salmon caught.

(7) All log books used in SMCRA 7 and 7A must be sent to the department no later than October 10 of each year. All log books used in SMCRA 9A must be sent to the department no later than November 22 of each year.

[Statutory Authority: RCW 77.12.047. 03-18-005 (Order 03-210), § 220-47-430, filed 8/20/03, effective 9/20/03; 02-16-004 (Order 02-167), § 220-47-430, filed 7/25/02, effective 8/25/02. Statutory Authority: RCW 75.08.080. 99-24-011 (Order 99-202), § 220-47-430, filed 11/19/99, effective 12/20/99.]

Chapter 220-48 WAC
PUGET SOUND—FISH OTHER THAN SALMON

WAC

220-48-029 Set net—Dogfish—Seasons.
220-48-032 Set line—Seasons.

WAC 220-48-029 Set net—Dogfish—Seasons. (1) It is unlawful to take, fish for and possess dogfish and other species of bottomfish taken with dogfish set net gear for commercial purposes in the following Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas except during the seasons designated below:

(a) Areas 20A and 20B - November 1 through June 15.

(b) Area 21A - March 1 through June 15.

(c) Areas 21B, 22A, 22B, 23A, and 23B - Closed all year.

(d) Areas 23C and 23D - September 16 through June 15.

(e) Areas 24A, 24B, and 24D - September 16 through June 15.

(f) Area 24C - September 16 through June 15, except those waters south of a line projected due east of East Point on Whidbey Island are closed all year.

(g) Areas 25A, 25B and that portion of Area 25C west of a line from Twin Spits to the Port Gamble Millstack - September 16 through June 15.

(h) Area 25D and that portion of 25C east of line from Twin Spits to the Port Gamble Millstack - Closed all year.

(i) Area 25E - Closed all year.

(j) Area 26A - September 16 through June 15, except those waters southerly and westerly of a line between the ferry dock at Mukilteo and the ferry dock at Clinton are closed all year.

(k) Area 26B - September 16 through June 15, except those waters provided for in WAC 220-20-020(4) (Shilshole Bay) are closed at all times and those waters west of a line from Point Jefferson to Point Monroe are closed from January 1 to April 15. Those waters west of a line projected 178 degrees true from the end of the Indianola dock to the landfall on the south shore of Port Madison are closed at all times.

(l) Area 26C - Open April 16 through June 15 and September 16 through December 31, except those waters north of a line projected true east of Point Bolin and those waters west of a line projected 178 degrees true from the end of the Indianola dock to the landfall on the south shore of Port Madison are closed at all times.

(m) Area 26D - September 16 through June 15, except Quartermaster Harbor and those waters south of lines projected from Dash Point to Point Piner on Maury Island and from Point Dalco true west to the Kitsap Peninsula are closed all year.

(n) Areas 27A, 27B, and 27C - September 16 through June 15.

(o) Area 28A - September 16 through June 15, except those waters north of a line projected true east of Fox Point on Fox Island, and east of a line projected due north from the northwest tip of Fox Island are closed all year.

(p) Areas 28B, 28C, and 28D - September 16 through June 15, except those waters provided for in WAC 220-20-010(6) (upper Carr Inlet).

(q) Area 29 - September 16 through June 15.

(2) Incidental catch: It is unlawful to retain any shellfish or fish other than bottomfish.

[Statutory Authority: RCW 77.12.047. 03-05-063 (Order 03-27), § 220-48-029, filed 2/18/03, effective 3/21/03. Statutory Authority: RCW 75.08.080. 91-13-051 (Order 91-39), § 220-48-029, filed 6/14/91, effective 7/15/91; 89-14-010 (Order 89-48), § 220-48-029, filed 6/22/89; 84-08-014 (Order 84-24), § 220-48-029, filed 3/27/84; 82-24-080 (Order 82-215), § 220-48-029, filed 12/1/82, effective 1/1/83; 82-14-056 (Order 82-72), § 220-48-029, filed 7/1/82.]

WAC 220-48-032 Set line—Seasons. (1) Set line fishing for dogfish and other bottomfish is open in all Puget Sound Marine Fish - Shellfish Management and Catch Reporting Areas year round except as provided in this section.

(2) It is unlawful to take, fish for, and possess dogfish and other bottomfish taken with set lines in:

(a) All Marine Fish-Shellfish Management and Catch Reporting Areas June 16 through September 15.

(b) That portion of Area 26C north of a line projected due east from Point Bolin to Bainbridge Island is closed all year.

(c) That portion of Area 26D south of lines projected due west of Point Dalco on Vashon Island, and from Dash Point to Point Piner on Maury Island, is closed all year.

(d) That portion of Area 28A east of a line projected due north from the northwest tip of Fox Island, and north of a line projected due east from Fox Point on Fox Island is closed all year.

(e) Those waters provided for in WAC 220-20-010(6) and 220-20-020(4).

(3) Incidental catch: It is unlawful to retain any shellfish and any fish other than bottomfish, and the cumulative weight of rockfish and lingcod shall not exceed 30 pounds for any vessel trip in all open Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas.

[Statutory Authority: RCW 77.12.047. 03-05-063 (Order 03-27), § 220-48-032, filed 2/18/03, effective 3/21/03. Statutory Authority: RCW 75.08.080. 98-05-043, § 220-48-032, filed 2/11/98, effective 3/14/98; 87-04-003 (Order 87-03), § 220-48-032, filed 1/22/87; 82-24-080 (Order 82-215), § 220-48-032, filed 12/1/82, effective 1/1/83; 82-14-056 (Order 82-72), § 220-48-032, filed 7/1/82.]

Chapter 220-52 WAC
SHELLFISH

WAC

220-52-019	Geoduck clams—Gear and unlawful acts.
220-52-020	Clams—Commercial harvest.
220-52-035	Crab and shrimp pot gear—Escape mechanism required.
220-52-050	Ocean pink shrimp trawl fishery—Coastal waters.
220-52-051	Shrimp fishery—Puget Sound.
220-52-071	Sea cucumbers.
220-52-075	Shellfish harvest logs.

WAC 220-52-019 Geoduck clams—Gear and unlawful acts. (1) It is unlawful to take, fish for or possess geoduck clams taken for commercial purposes from any of the beds of navigable waters of the state of Washington except as provided in RCW 75.24.100 and rules of the director.

(2)(a) Only a manually operated water jet, the nozzle of which shall not exceed 5/8 inch inside diameter may be used to commercially harvest geoduck clams. Use of any other gear requires a permit from the director.

(b) It is unlawful in the commercial harvest of geoducks for through-hull fittings for water discharge hoses connected to the harvest gear to be below the surface of the water. Any through-hull fitting connected to the harvest gear which is above the surface of the water must be visible at all times.

(3) It is unlawful to take or fish for geoduck clams taken for commercial purposes between one-half hour before official sunset or 7:00 p.m. whichever is earlier and 7:00 a.m. No geoduck harvest vessel may be on a geoduck tract or harvest area after 7:30 p.m. or before 6:30 a.m. It is unlawful to take or fish for geoduck clams on Sundays or on state holidays as defined by the office of financial management. It is unlawful to possess geoduck clams taken in violation of this section.

(4) It is unlawful to harvest geoduck clams with any instrument that penetrates the skin, neck or body of the geoduck.

(5) It is unlawful to possess only the siphon or neck portion of a geoduck clam aboard a geoduck harvest vessel, except when a geoduck is incidentally damaged during har-

vest and must be reported under a department of natural resources harvest agreement.

(6) It is unlawful to retain any food fish or shellfish other than geoduck clams during geoduck harvesting operations, except for horse clams (*Tresus capax and Tresus nuttallii*) when horse clam harvest is provided for under a department of natural resources harvest agreement.

(7) It is unlawful for more than two divers from any one geoduck harvest vessel to be in the water at any one time.

(8) The following documents must be on board the geoduck harvesting vessel at all times during geoduck operations:

(a) A copy of the department of natural resources geoduck harvesting agreement for the tract or area where harvesting is occurring;

(b) A map of the geoduck tract or harvest area and complete tract or harvest area boundary identification documents or photographs issued by the department of natural resources for the tract or harvest area;

(c) A geoduck diver license for each diver on board the harvest vessel or in the water; and

(d) A geoduck fishery license as described in WAC 220-52-01901.

(9) It is unlawful to process geoducks on board any harvest vessel.

(10) It is unlawful to take or fish for geoduck clams for commercial purposes outside the tract or harvest area designated in the department of natural resources geoduck harvesting agreement required by subsection (8)(a) of this section. It is unlawful to possess geoduck clams taken in violation of this subsection.

(11) It is unlawful to harvest geoduck clams in areas deeper than seventy feet below the water surface at any tide height.

(12) Holders of geoduck fishery licenses shall comply with all applicable commercial diving safety regulations adopted by the Federal Occupational Safety and Health Administration established under the Federal Occupational Safety and Health Act of 1970, 29 U.S.C. 651 et seq. Some of those regulations appear at 29 C.F.R. Part 1910, Subpart T.

[Statutory Authority: RCW 77.12.047. 03-10-008 (Order 03-81), § 220-52-019, filed 4/25/03, effective 5/26/03. Statutory Authority: RCW 75.08.080. 94-12-009 (Order 94-23), § 220-52-019, filed 5/19/94, effective 6/19/94; 93-15-051, § 220-52-019, filed 7/14/93, effective 8/14/93; 84-08-014 (Order 84-24), § 220-52-019, filed 3/27/84; 81-11-006 (Order 81-31), § 220-52-019, filed 5/11/81; 79-12-039 (Order 79-129), § 220-52-019, filed 11/20/79; 79-02-053 (Order 79-6), § 220-52-019, filed 1/30/79; Order 77-65, § 220-52-019, filed 8/5/77 and 8/25/77; Order 76-152, § 220-52-019, filed 12/17/76; Order 76-26, § 220-52-019, filed 1:45 p.m., 4/20/76; Order 1258, § 220-52-019, filed 8/25/75; Order 857, § 220-52-019, filed 12/11/69.]

WAC 220-52-020 Clams—Commercial harvest. It shall be unlawful to take, dig for or possess clams except razor clams, cockles, borers or mussels taken for commercial purposes from the tidelands of the state of Washington except from registered aquaculture farms or from state-owned tidelands under contract with or permit from the department.

[Statutory Authority: RCW 77.12.047. 03-16-099 (Order 03-176), § 220-52-020, filed 8/6/03, effective 9/6/03; 01-02-059 (Order 00-264), § 220-52-020, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 75.08.080. 94-12-009 (Order 94-23), § 220-52-020, filed 5/19/94, effective 6/19/94; 91-10-024 (Order 91-22), § 220-52-020, filed 4/23/91, effective 5/24/91; 84-08-014 (Order 84-24), § 220-52-020, filed 3/27/84; Order 807, § 220-52-020, filed 1/2/69, effective 2/1/69; subsections 1 and 2 from Order 679, filed 4/20/66; subsections 1, 1a, 2 from Orders 351 and 256, filed 3/1/60; subsection 1b from Order 605, filed 4/21/64; Orders 443 and 256, filed 3/1/60.]

WAC 220-52-035 Crab and shrimp pot gear—Escape mechanism required. It is unlawful to fish for or possess crab or shrimp taken for commercial purposes with shellfish pot gear unless the gear allows for escapement using at least one of the following methods:

(1) Attachment of pot lid hooks or tiedown straps with a single strand or loop of untreated cotton twine or other natural fiber no larger than thread size 120 so that the pot lid will open freely if the twine or fiber is broken.

(2) An opening in the pot mesh no less than three inches by five inches which is laced or sewn closed with untreated cotton twine or other natural fiber no larger than thread size 120. The opening must be located within the top half of the pot and be unimpeded by the entry tunnels, bait boxes, or any other structures or materials.

[Statutory Authority: RCW 77.12.047. 03-16-097 (Order 03-180), § 220-52-035, filed 8/6/03, effective 9/6/03. Statutory Authority: RCW 75.08.080. 87-23-006 (Order 87-187), § 220-52-035, filed 11/6/87.]

WAC 220-52-050 Ocean pink shrimp trawl fishery—Coastal waters. It is unlawful to fish for, possess or deliver ocean pink shrimp taken for commercial purposes from the waters of the Exclusive Economic Zone except as provided for in this section:

(1) Ocean pink shrimp fishery:

(a) The open season for trawl gear is April 1 through October 31 of each year.

(b) The following gear is prohibited: Trawl gear having a net mesh size greater than two inches in the intermediate or codend, except for net mesh used in fish excluder devices. It is lawful to have net mesh larger than two inches in the wings or body of the trawl.

(c) It is unlawful to fish with trawl gear for pink shrimp for commercial purposes unless an approved by-catch reduction device is used in each net. Approved by-catch reductions devices are:

(i) Soft Panel By-catch Reduction Device which uses a mesh panel to guide fish out of an escape hole. An approved soft-panel must meet the following criteria:

(A) The panel must completely cover some portion of the net in cross-section, meaning it must extend completely across the full opening of the net in one continuous piece. The panel must be securely fastened to the net around the entire perimeter, such that a 110 mm diameter sphere cannot pass beyond the panel into the terminal end of the codend;

(B) The panel meshes must be constructed of netting material with individual meshes no larger than 5.5 inches, measured between opposing knots and must be constructed of a single panel of continuous netting, without zippers or other devices designed to allow disabling of the panel such that large fish can pass back into the codend;

(C) The escape hole must, when spread open, expose a hole of at least 100 square inches;

(D) The escape hole must be forward of the mesh panel and must begin within four meshes of the furthest aft point of attachment of the mesh panel to the net;

(ii) Nordmore Grate By-catch Reduction Device uses a rigid panel of narrowly spaced vertical bars to guide fish out of an escape hole in front of the panel, generally in the top of the net. An approved Nordmore grate must meet the following criteria:

(A) The exterior circumference of the rigid panel must fit completely within the interior circumference of the trawl net, such that there is no space between the panel and the net that will allow a 110 mm sphere to pass beyond the panel, into the terminal area of the codend;

(B) None of the openings between the vertical bars in the rigid panel may exceed two inches in width;

(C) The escape hole must, when spread open, expose a hole of at least 100 square inches;

(D) The escape hole must be forward of the rigid panel and must begin within four meshes of the furthest aft point of attachment of the rigid panel to the net.

(d) All by-catch reduction devices and codends used for trawl fishing for pink shrimp must be readily accessible and made available for inspection at the request of an authorized agent of the state. No trawl gear may be removed from the vessel prior to offloading of shrimp.

(e) It is unlawful to modify by-catch reduction devices in any way that interferes with their ability to allow fish to escape from the trawl, except for the purpose of testing the by-catch reduction device to measure shrimp loss. Authorized testing of by-catch reduction devices must meet the following criteria:

(i) Testing is allowed by special permit only, consistent with the terms and conditions of the permit;

(ii) For vessels fishing two nets simultaneously (double-rigged boats), only one net may contain a disabled by-catch reduction device, the other net must be fishing a fully functional by-catch reduction device as described in (c) of this subsection.

(f) Minimum number of shrimp per pound: The count per pound must average no more than 160 shrimp per pound for a minimum of two samples increasing at a rate of one sample per one thousand pounds landed or in possession up to a maximum requirement of twenty samples. Such samples shall consists of at least one pound of each of whole unbroken shrimp taken at random from throughout the individual load landed or in possession. This shall apply only to loads of 3,000 pounds of shrimp or more.

(g) Incidental catch-finfish: It is unlawful to take salmon incidental to any shrimp fishery. It is unlawful to retain any bottomfish species taken incidental to shrimp trawl fishery except as provided for in WAC 220-44-050.

(h) Incidental catch-shellfish:

(i) It is unlawful to retain any species of shellfish except that it is lawful to retain up to 50 pounds round weight of other shrimp species taken incidentally in the ocean pink shrimp fishery, or octopus or squid.

(ii) It is unlawful to fish for ocean pink shrimp within the territorial boundaries of the state.

(i) An ocean pink shrimp delivery license is the license required to operate the gear provided for in this section, and allows the operator to retain shrimp taken in the waters of the Exclusive Economic Zone.

(2) Fisheries for shrimp species other than ocean pink shrimp or ocean spot shrimp: Species other than ocean pink shrimp and ocean spot shrimp may only be taken incidentally to the ocean pink shrimp and ocean spot shrimp fisheries.

[Statutory Authority: RCW 77.12.047. 03-05-060 (Order 03-30), § 220-52-050, filed 2/18/03, effective 3/21/03; 00-17-145 (Order 00-165), § 220-52-050, filed 8/22/00, effective 9/22/00. Statutory Authority: RCW 75.08.080. 99-01-154 (Order 98-257), § 220-52-050, filed 12/22/98, effective 1/22/99; 94-12-009 (Order 94-23), § 220-52-050, filed 5/19/94, effective 6/19/94; 93-15-051, § 220-52-050, filed 7/14/93, effective 8/14/93; 87-23-006 (Order 87-187), § 220-52-050, filed 11/6/87; 84-08-014 (Order 84-24), § 220-52-050, filed 3/27/84; 83-04-025 (Order 83-04), § 220-52-050, filed 1/27/83; 82-03-045 (Order 82-6), § 220-52-050, filed 1/19/82; 80-13-064 (Order 80-123), § 220-52-050, filed 9/17/80; 79-02-053 (Order 79-6), § 220-52-050, filed 1/30/79; Order 76-152, § 220-52-050, filed 12/17/76; Order 76-26, § 220-52-050, filed 1:45 p.m., 4/20/76; Order 1242, § 220-52-050, filed 8/7/75, effective 9/16/75; Order 1179, § 220-52-050, filed 11/19/74; Order 1112, § 220-52-050, filed 4/15/74; Order 945, § 220-52-050, filed 8/16/71; Order 807, § 220-52-050, filed 1/2/69, effective 2/1/69; subsections 1, 5, 6 from Orders 414 and 256, filed 3/1/60; subsection 2 from Orders 420 and 256, filed 3/1/60; subsection 3 from Order 525, filed 5/3/61; Orders 414 and 256, filed 3/1/60; subsection 7 from Order 525, filed 5/3/61.]

WAC 220-52-051 Shrimp fishery—Puget Sound. (1) A Puget Sound shrimp pot license or a Puget Sound shrimp trawl license will only be issued to an individual who is a natural person, and this person shall be the primary operator. Holders of Puget Sound shrimp pot licenses and Puget Sound shrimp trawl licenses may designate a single alternate operator per license.

(2) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using shellfish pot gear except during seasons opened by emergency rule:

(a) Gear restrictions -

(i) In all areas, maximum 100 pots per fisher except for dual licensees as provided for in RCW 77.70.410.

(ii) In all areas:

(A) Buoys must be orange in color and consist of durable material that will remain floating on the surface with five pounds attached; bleach or antifreeze bottles or other containers may not be used as floats.

(B) The line attaching the pot to the buoy must be weighted sufficiently to prevent the line from floating on the surface.

(C) The maximum perimeter of shrimp pots must not exceed ten feet and the maximum height must not exceed two feet.

(b) Spot shrimp size restriction: It is unlawful to retain spot shrimp taken by shellfish pot gear that have a carapace length less than 1 and 3/16 inches. Carapace length is defined as the length between the posterior mid-dorsal margin to the posterior-most part of the eye-stalk orbit.

(c) Area restrictions:

(i) Pot gear closed in all Puget Sound Shrimp Districts except the Port Townsend Shrimp District.

(ii) Pot gear closed in Lopez Sound south of a line projected true east-west from the northern tip of Trump Island from the season opening through July 9th.

(3) It is unlawful to fish for shrimp for commercial purposes in Puget Sound using trawl gear except during seasons opened by emergency rule:

(a) Gear restrictions - Beam trawl gear only. Otter trawl gear may not be used.

(i) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, and 22A is 25 feet.

(ii) Maximum beam width in Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23B, 23C, 25A, 25B, and 29 is 60 feet.

(b) It is unlawful to retain spot shrimp.

(c) Area restrictions:

(i) Shrimp trawl fishing closed in all Puget Sound Shrimp Districts.

(ii) Shrimp trawl fishing closed in Lopez Sound south of a line projected true east-west from the northern tip of Trump Island from the season opening through July 9th.

(d) It is unlawful to fish for shrimp in Puget Sound with beam trawl gear in waters shallower than 100 feet.

(e) It is lawful to fish for shrimp in Puget Sound with beam trawl gear in Marine Fish-Shellfish Management and Catch Reporting Area 21A only in those waters north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(f) The following restrictions apply to shrimp beam trawl harvest in Marine Fish-Shellfish Management and Catch Reporting Area 20A:

(i) Closed in waters east of a line from the southwest corner of Point Roberts to Sandy Point.

(ii) Closed in waters shallower than 20 fathoms.

(4) All shrimp taken in the Puget Sound commercial shrimp fishery must be landed and recorded on Washington state fish receiving tickets within 24 hours of harvest. No fisher may land shrimp without immediate delivery to a licensed wholesale dealer, or if transferred at sea, without transfer to a licensed wholesale dealer. A fisher who is a licensed wholesale dealer may complete and return a fish receiving ticket to satisfy the requirements of this subsection.

(5) For purposes of shrimp pot harvest allocation, fishing season, and catch reporting, the Marine Fish-Shellfish Management and Catch Reporting Areas (catch areas) are modified as follows:

(a) That portion of Catch Area 22A south of a line due east from the international boundary to Lime Kiln Point light on San Juan Island, then south of the shores of San Juan Island, then south of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island, then south of the shores of Lopez Island to Point Colville shall be considered to be part of Catch Area 23A.

(b) Catch Area 23A is divided into three subareas: 23A-E (east) is those waters of Catch Area 23A east of a line projected 122.59 N longitude. 23A-W (west) is those waters of Catch Area 23A east of a line projected 335 degrees true from the Dungeness lighthouse and west of a line projected 122.59 N longitude. 23A-S (south) is those waters of Catch Area 23A west of a line projected 335 degrees true from the Dungeness lighthouse.

(c) Catch Area 26A is divided into two subareas: 26A-E (east); those waters of Catch Area 26A north and east of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore. 26A-W (west); those waters of Catch Area 26A south and west of a line projected 110 degrees true from the southern tip of Possession Point on Whidbey Island to the shipwreck on the opposite shore.

(d) Catch Area 26B is divided into two subareas: 26B-1; those waters of Catch Area 26B westerly of a line projected from West Point to Alki Point. 26B-2; those waters easterly of a line projected from West Point to Alki Point.

(6) For purpose of shrimp trawl harvest allocation and catch reporting, 23A East is that portion of Catch Area 23A, east of a line projected true north from the Dungeness lighthouse. 23A West is that portion of Catch Area 23A, west of the line described herein.

(7) The following areas are defined as Puget Sound Shrimp Management Areas:

(a) Shrimp Management Area 1A: The portion of Crustacean Management Region 1 which includes all waters of Catch Area 20B west of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary, and all waters of Catch Area 22A west of a line projected true north and south from the western tip of Crane Island, west of a line projected from the number 2 buoy at the entrance to Fisherman Bay to the southern tip of Shaw Island.

(b) Shrimp Management Area 1B: That portion of Crustacean Management Region 1 which includes all waters of Catch Area 20B east of a line from Point Doughty on Orcas Island to the bell buoy at the international boundary, and all waters of Catch Area 22A east of a line projected true north and south from the western tip of Crane Island, east of a line projected from the number 2 buoy at the entrance to Fisherman Bay to the southern tip of Shaw Island, and east of a line projected true south from Point Colville, and all waters of Catch Area 21A north and west of a line from the southern tip of Sinclair Island to Carter Point on Lummi Island.

(c) Shrimp Management Area 1C: That portion of Crustacean Management Region 1 which includes all waters of Catch Areas 20A, 21B, 22B, and all waters of Catch Area 21A not included in Management Area 1B.

(d) Shrimp Management Area 2E: That portion of Crustacean Management Region 2 which includes all waters of Catch Areas 24A, 24B, 24C, 24D, and 26A-E (east).

(e) Shrimp Management Area 2W: That portion of Crustacean Management Region 2 which includes all waters of Catch Areas 25B, 25C, 25D, and 26A-W (west).

(8) In Shrimp Management Areas 1A, 1B and 1C, all catch will be reported by Management Area and Catch Area combined, either 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, or 1C-21A.

[Statutory Authority: RCW 77.12.047. 03-05-064 (Order 03-28), § 220-52-051, filed 2/18/03, effective 3/21/03; 02-01-068, § 220-52-051, filed 12/14/01, effective 1/14/02; 01-03-016 (Order 00-271), § 220-52-051, filed 1/5/01, effective 2/5/01. Statutory Authority: RCW 74.08.080 and 1999 c 239. 00-01-124 (Order 99-217), § 220-52-051, filed 12/17/99, effective 1/17/00. Statutory Authority: RCW 75.28.740 and 75.30.220. 94-07-092 (Order 94-14), § 220-52-051, filed 3/17/94, effective 4/17/94. Statutory Authority: RCW 75.08.080. 93-15-051, § 220-52-051, filed 7/14/93, effective 8/14/93; 91-18-030 (Order 91-73), § 220-52-051, filed 8/28/91, effective 9/28/91; 87-23-006 (Order 87-187), § 220-52-051, filed 11/6/87.]

WAC 220-52-071 Sea cucumbers. It is unlawful to take or possess sea cucumbers taken for commercial purposes except as provided for in this section.

(1) **Sea cucumber districts:**

(a) Sea Cucumber District 1 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A, 21B, 22A, 22B, and 23B outside of the following closed areas:

(i) San Juan Channel and Upright Channel within the following lines: South of a line projected from Flat Point on Lopez Island true west to Shaw Island; west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island; south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island north of a line from Flat Point on Lopez Island to the northernmost point of Turn Island and thence projected true west to San Juan Island.

(ii) Haro Strait north of a line projected due west from the southernmost point of Cattle Point on San Juan Island to the international border and south of a line projected due west from a point one-quarter mile north of Lime Kiln Light on San Juan Island to the international border.

(b) Sea Cucumber District 2 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 23A, 23C, 23D, 25A, 25B, 25C, 25D, 25E, and 29.

(c) Sea Cucumber District 3 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 24A, 24B, 24C, 24D, 26A, 26B, and 26C. The following areas within Sea Cucumber District 3 are closed to the harvest of sea cucumbers:

(i) Those waters of Eagle Harbor west of a line projected from Wing Point to Eagle Harbor Creosote Light Number 1, then projected due west to shore on Bainbridge Island.

(ii) Those waters of Sinclair Inlet west of a line projected southerly from the easternmost point of Point Turner to landfall directly below the Veteran's Home in Annapolis.

(d) Sea Cucumber District 4 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B, and 27C.

(e) Sea Cucumber District 5 is defined as the waters of Marine Fish-Shellfish Management and Catch Reporting Areas 26D, 28A, 28B, 28C, and 28D.

(2) **Sea cucumber areas and seasons:**

Sea cucumber areas and seasons will be set by emergency rule.

On days open to sea cucumber harvest, it is unlawful to take sea cucumbers from one-half hour before official sunset to 5:59 a.m. the next morning. Violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

(3) **Shellfish diver gear:**

(a) Divers operating from a vessel must have a number assigned by the department placed on both sides and the top of the vessel in such a manner that the number is clearly visible when the vessel is viewed from either side or from the air, and the letters must be black on white no less than eighteen inches in height and of proportional width. Failure to display these numbers is punishable under RCW 77.15.540, Unlawful use of a commercial fishery license.

(b) Only one diver from each harvesting vessel is allowed in the water at any one time during the sea cucumber harvest operation or when commercial quantities of sea cucumbers are aboard except that two divers may be in the water if the vessel has been designated on two sea cucumber dive fishery licenses. Violation of this subsection is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

(c) Divers may not fish for or possess geoduck clams during commercial sea cucumber harvesting operations, or possess geoduck clams on a vessel that has sea cucumbers on board. Violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

(d) Licensing: A sea cucumber dive fishery license is the license required to operate the gear provided for in this section.

(4) **Trawl gear:**

It is unlawful to fish for or possess sea cucumbers taken with trawl gear. Violation of this subsection is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

[Statutory Authority: RCW 77.12.047. 03-16-098 (Order 03-177), § 220-52-071, filed 8/6/03, effective 9/6/03; 02-17-016 (Order 02-186), § 220-52-071, filed 8/9/02, effective 9/9/02; 01-07-021 (Order 01-40), § 220-52-071, filed 3/14/01, effective 4/14/01. Statutory Authority: RCW 75.08.080. 00-03-042 (Order 00-07), § 220-52-071, filed 1/13/00, effective 2/13/00; 99-17-068 (Order 99-126), § 220-52-071, filed 8/13/99, effective 9/13/99; 94-12-009 (Order 94-23), § 220-52-071, filed 5/19/94, effective 6/19/94; 93-15-051, § 220-52-071, filed 7/14/93, effective 8/14/93; 91-18-030 (Order 91-73), § 220-52-071, filed 8/28/91, effective 9/28/91; 91-10-024 (Order 91-22), § 220-52-071, filed 4/23/91, effective 5/24/91; 87-23-006 (Order 87-187), § 220-52-071, filed 11/6/87; 87-15-022 (Order 87-69), § 220-52-071, filed 7/8/87; 87-02-013 (Order 86-199), § 220-52-071, filed 12/30/86; 81-11-006 (Order 81-31), § 220-52-071, filed 5/11/81; 79-02-053 (Order 79-6), § 220-52-071, filed 1/30/79; Order 77-145, § 220-52-071, filed 12/13/77; Order 77-65, § 220-52-071, filed 8/5/77; Order 1105, § 220-52-071, filed 12/28/73; Order 990, § 220-52-071, filed 5/11/72.]

WAC 220-52-075 Shellfish harvest logs. It is unlawful for any vessel operator engaged in commercial crawfish, sea cucumber, sea urchin, scallop, shrimp other than ocean pink shrimp, squid, or sand shrimp fishing or operator of mechanical clam digging device to fail to obtain and accurately maintain the appropriate harvest log available from the Washington department of fish and wildlife. The harvest log must be kept aboard the vessel while the vessel is engaged in harvest or has crawfish, sea cucumbers, sea urchins, shrimp other than ocean pink shrimp, squid, scallops, clams, or sand shrimp aboard. The vessel operator must submit the harvest logs for inspection upon request by authorized department of fish and wildlife representatives. The department's copies of the completed harvest log must be submitted to the department for each calendar month in which fishing activity occurs. State copies must be received within ten days following any calendar month in which fishing activity occurred, except that commercial sea cucumber harvest logs must be received for each month of the season provided for in WAC 220-52-072 regardless of whether harvest activity occurred during the month, and all shellfish harvesters must submit a log that must be received by the tenth day following the termination of commercial fishing activity showing that shellfish harvest has terminated for the year.

(1) Vessel operators engaged in commercial harvest of shrimp other than Puget Sound shrimp or sand shrimp or crawfish with shellfish pot or ring net gear must record the vessel Washington department of fish and wildlife boat registration number, number of pots or ring nets pulled, date pulled, soak time, and gear location before leaving the catch area where taken, and weights must be recorded upon landing or sale.

(2) Vessel operators engaged in commercial harvest of shrimp other than ocean pink shrimp with beam trawl or shrimp trawl gear must record the vessel identity, date, loca-

tion fished, trawl width, Marine Fish-Shellfish Management and Catch Reporting Area, depth fished, latitude and longitude to the nearest hundredth of a minute at the beginning of each tow, tow speed, duration of tow and estimated weight of shrimp of each species caught for each tow before leaving the site where the catch was taken or before commencing a new tow, whichever occurs first.

It shall be unlawful to fail to permanently record this information into the department-supplied harvest log before leaving each catch site. Harvest logs must be maintained and submitted in ascending consecutive order of harvest log serial numbers. Harvest logs must be submitted for each month in which fishing activity occurs and must be received by the department within ten days following any month in which fishing occurs. The fish receiving ticket serial number must be recorded onto the harvest log at the time of sale, or before leaving the last catch site of the day if the vessel operator holds a wholesale dealer license and is the original receiver of the catch.

(3) Vessel operators engaged in commercial harvest of sea urchins or sea cucumbers must record the vessel identity, date, location fished, depth fished, latitude and longitude to the nearest tenth of a minute or to the nearest second, and the approximate number of sea urchins or sea cucumbers taken before leaving the site where taken and the exact weight must be recorded upon landing or sale.

(4) Vessel operators engaged in commercial harvest of clams with mechanical digging devices must record the vessel identity, location, and date of harvest before the end of each day's fishing and the weights by clam species must be recorded upon landing or sale.

(5) Vessel operators engaged in commercial harvest of scallops must record the vessel identity, date, location, and duration of harvest and estimated weight of scallops caught for each tow or dive hour before leaving the catch area where taken.

(6) Vessel operators engaged in commercial harvest of squid, except when taken incidental to any other lawful fishery, must record before leaving the Marine Fish-Shellfish Management and Catch Reporting Area where taken, the vessel department of fish and wildlife boat registration number, gear type, catch area, starting and ending time of fishing, and numbers of other species caught and returned. Weights of squid must be recorded on landing or sale.

(7) Vessel operators engaged in commercial harvest of sand shrimp, except when taken incidental to any other lawful fishery, must record the location or identification number of the harvest tract, date of harvest, number of trenches pumped, average length and width of trenches (yards), total number of sand shrimp retained (dozens), total number of sand shrimp sold (dozens), and the name of the sand shrimp buyer.

(8) Vessel operators engaged in commercial harvest of shrimp (other than sand shrimp) using shellfish pot gear in Puget Sound must record the vessel's Washington department of fish and wildlife boat registration number, date, number of pots pulled, pot mesh size, depth fished, soak time, gear location (including latitude and longitude to the nearest hundredth of a minute), species targeted, and weight(s) of catch before leaving the site where catch is taken. A separate weight for each species caught and retained must be recorded. When single pots are fished an entry is required for each pot site. When two or more pots are fished on a common ground line the catch site must be recorded at the location of the last pot on the ground line that is pulled. It shall be unlawful to fail to permanently record this information into the department-supplied harvest log before leaving each catch site. Harvest logs must be maintained and submitted in ascending consecutive order of harvest log serial numbers. Harvest logs must be submitted for each month in which fishing activity occurs and must be received by the department within ten days following any month in which fishing occurs. The fish receiving ticket serial number must be recorded onto the harvest log at the time of sale, or before leaving the last catch site of the day if the vessel operator holds a wholesale dealer license and is the original receiver of the catch. Vessel operators engaged in commercial harvest of shrimp from Puget Sound with shellfish pot gear must report their daily catch by telephone before leaving the last catch site fished each day. For harvest in Crustacean Management Regions 1A, 1B, 1C, or 2, reports must be made to the voice recorder at the La Conner district office. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the voice recorder at the Point Whitney shellfish laboratory. All reports must specify the fisher's name, estimated total number of pounds of each shrimp species in possession, number of pots fished, number of pot pulls (pots multiplied by pulls), the Marine Fish-Shellfish Management and Catch Reporting Area where shrimp were harvested, and the port or name of vessel where the catch will be landed or sold. The fish receiving ticket reporting requirements of WAC 220-69-240 remain in effect.

[Statutory Authority: RCW 77.12.047. 03-05-064 (Order 03-28), § 220-52-075, filed 2/18/03, effective 3/21/03; 01-02-061 (Order 00-267), § 220-52-075, filed 12/29/00, effective 1/29/01; 01-02-057 (Order 00-262), § 220-52-075, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 75.08.080. 00-05-054 (Order 00-17), § 220-52-075, filed 2/14/00, effective 3/16/00; 97-08-052 (Order 97-55), § 220-52-075, filed 3/31/97, effective 5/1/97; 94-12-009 (Order 94-23), § 220-52-075, filed 5/19/94, effective 6/19/94; 93-15-051, § 220-52-075, filed 7/14/93, effective 8/14/93; 91-10-024 (Order 91-22), § 220-52-075, filed 4/23/91, effective 5/24/91; 87-15-022 (Order 87-69), § 220-52-075, filed 7/8/87; 87-02-013 (Order 86-199), § 220-52-075, filed 12/30/86; 84-08-014 (Order 84-24), § 220-52-075, filed 3/27/84; 83-09-014 (Order 83-24), § 220-52-075, filed 4/12/83; 82-03-045 (Order 82-6), § 220-52-075, filed 1/19/82; 81-11-006 (Order 81-31), § 220-52-075, filed 5/11/81; 80-13-064 (Order 80-123), § 220-52-075, filed 9/17/80; 79-12-039 (Order 79-129), § 220-52-075, filed 11/20/79; 79-02-053 (Order 79-6), § 220-52-075, filed 1/30/79.]

Chapter 220-55 WAC
PERSONAL-USE LICENSES

WAC

220-55-060 Repealed.
220-55-175 Special license application for permanent annual combination licenses.
220-55-180 Point-of-sale transaction fee.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-55-060 Reduced fee license issuing procedure. [Statutory Authority: 1998 c 191 and RCW 75.08.080. 99-03-029 (Order 99-02), § 220-55-060, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. 94-01-001, § 220-55-060, filed 12/1/93, effective 1/1/94; 89-07-071 (Order 89-05), § 220-55-060, filed 3/20/89; 88-05-002 (Order 88-03), § 220-55-060, filed 2/4/88; 79-

09-021 (Order 79-58), § 220-55-060, filed 8/10/79.] Repealed by 03-10-040 (Order 03-85), filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.12.047.

WAC 220-55-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 220-55-175 Special license application for permanent annual combination licenses. (1) There is hereby created a special license application for permanent combination license packages. Each package awarded will contain: A big game combination number one license allowing the holder to take deer, elk, bear, and cougar during the general season for each species; a small game license allowing the holder to take wild animals and wild birds during the open general season for each, including a single turkey tag; a Western Washington pheasant permit; a migratory bird validation; a combination fishing license and catch record card allowing the holder to take fish, shellfish, and seaweed during the general seasons for each; and a vehicle use permit. Special hunt applications, raffles or auction hunts, juvenile fishing, or fishing set aside for persons of disability (unless the holder qualifies as a fisher with a disability) are not included in this package. If a fee is established for transport tags, fish marking tags, additional access permits, additional catch record cards, or other restrictions on fishing or hunting, the holder will be responsible for payment of these fees prior to engaging in the restricted activities.

(2) The fee for a resident special license application ticket is $6.50, and the fee for a nonresident special license application ticket is $12.50. The fee for the ticket includes both the transaction and dealer fees. The selection of a successful special license application ticket holder will be by random draw. Only a natural person may be issued a permanent annual combination license. The successful special license application ticket holder may not sell the opportunity to be issued a permanent annual combination license, but may designate a natural person other than the successful special license application ticket holder to receive the permanent annual combination license. A resident ticket holder may only designate another resident. A nonresident ticket holder may designate a resident or nonresident. The designation of another individual to be issued the permanent annual combination license must be made in writing to the department license manager. If the successful special license application ticket holder is an individual, the designation must be made within fifteen days of notification of being selected. If the successful special license application ticket holder is a business or organization, the designation must be made within ninety days of notification of being selected. Notification is complete upon posting a letter in the United States mail to the successful special license application ticket holder. The licensee, once designated, may not transfer the license. The permanent annual combination license package shall be issued on an annual basis to the licensee upon request of the licensee.

(3) The director will determine the number of special license applications to be conducted each year, the date of the drawing for each special license application to be conducted, and the number of permanent annual combination licenses to be awarded for each special license application conducted.

[Statutory Authority: RCW 77.12.047. 04-01-051 (Order 03-304), § 220-55-175, filed 12/11/03, effective 1/11/04.]

WAC 220-55-180 Point-of-sale transaction fee. The point-of-sale transaction fee shall be used to operate an automated recreational licensing system. This fee shall be applied to all automated licensing system purchases of recreational documents. The transaction fee shall be ten percent of the value of the document transaction, excluding any applicable dealer fees except that for the period July 1, 2000, through June 30, 2006, the transaction fee shall be nine and one-half percent of the value of the document transaction, excluding any applicable dealer fee.

[Statutory Authority: RCW 77.12.047 and 2003 c 389. 04-01-095 (Order 03-311), § 220-55-180, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 77.32.050. 00-11-176 (Order 00-81), § 220-55-180, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 77.12.040 and 77.32.050. 00-02-049 (Order 99-234), § 220-55-180, filed 12/30/99, effective 1/30/00.]

Chapter 220-56 WAC
PERSONAL-USE FISHERY

WAC

220-56-100	Definitions—Personal-use fishing.
220-56-105	River mouth definitions.
220-56-126	Nonbuoyant lures and night closures—Saltwater.
220-56-129	Unclassified freshwater invertebrates.
220-56-175	Catch record cards.
220-56-230	Bottomfish—Closed areas.
220-56-235	Possession limits—Bottomfish.
220-56-250	Lingcod—Areas and seasons.
220-56-255	Halibut—Seasons—Daily and possession limits.
220-56-265	Forage fish—Lawful gear.
220-56-282	Sturgeon—Areas, seasons, limits and unlawful acts.
220-56-320	Shellfish gear—Unlawful acts.
220-56-325	Shrimp—Areas and seasons.
220-56-350	Clams other than razor clams, cockles, borers, mussels—Areas and seasons.
220-56-380	Oysters—Areas and seasons.

WAC 220-56-100 Definitions—Personal-use fishing. The following definitions apply to personal use fishing in Titles 220 and 232 WAC:

(1) "Bait" means any substance which attracts fish by scent or flavors. Bait includes any lure which uses scent or flavoring to attract fish.

(2) "Barbless hook" means a hook on which all barbs have been deleted when manufactured or filed off or pinched down.

(3) "Bow and arrow fishing" means any method of taking, or attempting to take, fish by the use of an arrow equipped with a barbed head and a line attached, and propelled by a bow, as in the sport of archery, while the fisher is above the surface of the water.

(4) "Buoy 10 line" means a true north-south line projected through Buoy 10 at the mouth of the Columbia River. "Buoy 10 fishery" means a fishery between a line in the Columbia River from Tongue Point in Oregon to Rocky Point in Washington and the Buoy 10 line.

(5) "Channel Marker 13 line" means a true north-south line through Grays Harbor Channel Marker 13.

(6) "Daily limit" means the maximum number or pounds of fish, shellfish, or seaweed of the required size of a given species or aggregate of species which a person may retain in a single day.

(7) "Fresh" means fish or shellfish that are refrigerated, iced, salted, or surface glazed.

(8) "Freshwater area" means:

(a) Within any freshwater river, lake, stream or pond.

(b) On the bank or within 10 yards of any freshwater river, lake, stream or pond.

(c) On or within any boat launch, ramp, or parking facility associated with any freshwater river, lake, stream or pond.

(9) "Frozen" means fish or shellfish that are hard frozen throughout.

(10) "Gaffing" means an effort to take fish by impaling the fish with a hook attached directly to a pole or other device.

(11) "Hatchery" when used to describe the difference between a hatchery fish and a nonhatchery fish means a fish missing an adipose fin or a ventral fin with a healed scar at the location of the missing fin.

(12) "Hook" means one single, double or treble hook. A "single hook" means a hook having a single point. A "double hook" means a hook having two points on a common shank. A "treble hook" means a hook having three points on a common shank.

(13) "Hook and line" or "angling" shall be identical in meaning and, except as provided in WAC 220-56-115, shall be defined as the use of not more than one line with three hooks attached to a pole held in hand while landing fish, or the use of a hand operated line without rod or reel, to which may be attached not more than three hooks. When fishing for bottom fish, "angling" and "jigging" shall be identical in meaning.

(14) "In the field or in transit" means at any place other than at the ordinary residence of the harvester. An ordinary residence is a residential dwelling where a person normally lives, with associated features such as address, telephone number, utility account, etc. A motor home or camper parked at a campsite or a vessel are not considered to be an ordinary residence.

(15) "Juvenile" means a person under fifteen year of age.

(16) "Lure" means a manufactured article constructed of feathers, hair, fiber, wood, metal, glass, cork, leather, rubber or plastic which does not use scent or flavoring to attract fish. "Nonbuoyant lure" means a lure complete with hooks, swivels or other attachments, which does not float in freshwater.

(17) "Night closure" means closed to fishing from one hour after official sunset to one hour before official sunrise.

(18) "Nonbuoyant lure restriction" means nonbuoyant lures may have only one single hook measuring not more than 3/4 inch point to shank, no weights may be attached below or less than twelve inches above a buoyant lure, and all hooks must be attached within three inches of the bait or lure.

(19) "Possession limit" means the number of daily limits allowed to be retained in the field or in transit.

(20) "Processed" means fish or shellfish which have been processed by heat for human consumption as kippered, smoked, boiled, or canned.

(21) "Seasonal wild steelhead limit" means the maximum number of wild steelhead trout any one angler may retain from April 1st through the following March 31st.

(22) "Selective gear rules" means terminal fishing gear is limited to artificial flies with barbless single hooks or lures with barbless single hooks, bait is prohibited, and fishing from a floating device equipped with a motor is prohibited unless otherwise provided. Up to three hooks may be used. In waters under selective gear rules, fish may be released until the daily limit is retained.

(23) "Slough" means any swamp, marsh, bog, pond, side-channel, or backwater connected to a river by water. Waters called sloughs that are not connected to a river are considered lakes.

(24) "Snagging" means an effort to take fish with a hook and line in a manner that the fish does not take the hook or hooks voluntarily in its mouth.

(25) "Spearing" or "spear fishing" means an effort to take fish or shellfish by impaling the fish or shellfish on a shaft, arrow or other device.

(26) "Stationary gear restriction" means the line and weight and lure or bait must be moving while in the water. The line and weight and lure or bait may not be stationary.

(27) "Whitefish gear rules" means terminal fishing gear is restricted to one single hook, maximum hook size three-sixteenths inch point to shank (hook size 14), and bait is allowed. All species: Release all fish except whitefish.

(28) "Wild" when used to describe the difference between a hatchery fish and a nonhatchery fish means a fish with all fins intact.

[Statutory Authority: RCW 77.12.047. 03-18-007 (Order 03-211), § 220-56-100, filed 8/20/03, effective 9/20/03; 02-08-048 (Order 02-53), § 220-56-100, filed 3/29/02, effective 5/1/02. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-100, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040. 99-08-029 (Order 99-13), § 220-56-100, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-100, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-100, filed 3/19/97, effective 5/1/97; 96-11-078 (Order 96-44), § 220-56-100, filed 5/13/96, effective 6/13/96; 95-04-066 (Order 95-10), § 220-56-100, filed 1/30/95, effective 5/1/95; 94-14-069, § 220-56-100, filed 7/1/94, effective 8/1/94; 91-08-054 (Order 91-13), § 220-56-100, filed 4/2/91, effective 5/3/91; 86-09-020 (Order 86-08), § 220-56-100, filed 4/9/86; 85-09-017 (Order 85-20), § 220-56-100, filed 4/9/85; 82-13-040 (Order 82-61), § 220-56-100, filed 6/9/82; 80-03-064 (Order 80-12), § 220-56-100, filed 2/27/80, effective 4/1/80.]

WAC 220-56-105 River mouth definitions. When pertaining to food fish angling, unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those waters of any river or stream including sloughs and tributaries upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide. The following river mouths are hereby otherwise defined:

Abernathy Creek - Highway 4 Bridge.
Bear River - Highway 101 Bridge.
Bone River - Highway 101 Bridge.
Chambers Creek - Burlington Northern Railroad Bridge.
Chehalis River - Highway 101 Bridge in Aberdeen.
Chelan River - Railroad Bridge.
Cispus River - Posted markers at the Lewis County P.U.D. kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus rivers.

Cowlitz River - A line projected across the river between two fishing boundary markers set on each bank of the river approximately one-half mile downstream from the lowermost railroad bridge crossing the Cowlitz River.
Dakota Creek - A line from the outermost headland of the south bank to a house at 1285 Runge Avenue, Blaine, Washington, approximately one-quarter mile downstream from the Blaine Road Bridge.
Deschutes River - A line projected across the river 400 feet below the lower Tumwater Falls fish ladder.
Drano Lake - Highway 14 Bridge.
Duwamish River - First Avenue South Bridge.
Elk River - Highway 105 Bridge.
Entiat River - Highway 97 Bridge.
Hawk Creek (Lincoln County) - Falls at the Hawk Creek campground.
Hoquiam River - Highway 101 Bridge.
Humptulips River - Mouth of Jessie Slough.
Johns River - Highway 105 Bridge.
Kennedy Creek - An arc 500 yards east of the midpoint of the northbound Highway 101 Bridge.
Kettle River - Barstow Bridge.
Lake Washington Ship Canal - A line 400 feet west of the fish ladder at the Chittenden Locks.
Lewis River - A straight line running from a boundary marker on a piling at Austin Point southerly across the Lewis River to a boundary marker on the opposite shore.
Methow River - Highway 97 Bridge.
Naselle River - Highway 101 Bridge.
North Nemah River - Highway 101 Bridge.
Niawiakum River - Highway 101 Bridge.
North River - Highway 105 Bridge.
Palix River - Highway 101 Bridge.
Puyallup River - 11th Street Bridge.
Samish River - The Samish Island Bridge (Bayview-Edison Road).
Sammamish River - 68th Avenue NE Bridge.
Skagit River - A line projected from the terminus of the jetty with McGlinn Island to the white monument on the easterly end of Ika Island, then to a white monument on the westerly end of Craft Island, then to a white monument near the corner of the levee on the westerly side of Dry Slough, and then to a white monument on the easterly side of Tom Moore Slough.
Skamokawa Creek - Highway 4 Bridge.
Skookum Creek - A line 400 yards below the old railroad bridge.
Snohomish River - Burlington Northern Railway Bridges crossing main river and sloughs.
South Nemah River - Lynn Point 117 degrees true to the opposite shore.
Spokane River - State Route 25 Bridge.
Wallace River - The furthest downstream railroad bridge.
Washougal River - A straight line from the Crown Zellerbach pumphouse southeasterly across the Washougal River to the east end of the Highway 14 Bridge near the upper end of Lady Island.
Whatcom Creek - A line projected approximately 14 degrees true from the flashing light at the southwesterly end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond.
White Salmon River - Between markers on the east and west shores downstream of the Burlington Northern Railroad Bridge except when buoys are in place southerly from the shore to the buoys and east and west between the buoys.
Little White Salmon River - At boundary markers on river bank downstream from the Little White Salmon National Fish Hatchery.
Willapa River - South Bend boat launch.
Wind River - Boundary line markers at mouth.
Yakima River - Highway 240 Bridge.

[Statutory Authority: RCW 77.12.047. 03-05-057 (Order 03-24), § 220-56-105, filed 2/14/03, effective 5/1/03; 02-08-048 (Order 02-53), § 220-56-105, filed 3/29/02, effective 5/1/02; 01-14-001 (Order 01-107), § 220-56-105, filed 6/21/01, effective 7/22/01. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-105, filed 3/29/00, effective 5/1/00; 99-15-081 (Order 99-102), § 220-56-105, filed 7/20/99, effective 8/20/99; 98-06-031, § 220-56-105, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-105, filed 3/19/97, effective 5/1/97; 96-11-078 (Order 96-44), § 220-56-105, filed 5/13/96, effective 6/13/96; 95-04-066 (Order 95-10), § 220-56-105, filed 1/30/95, effective 5/1/95; 94-14-069, § 220-56-105, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-105, filed 3/31/93, effective 5/1/93; 91-08-054 (Order 91-13), § 220-56-105, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-105, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-105, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-105, filed 4/26/88; 85-09-017 (Order 85-20), § 220-56-105, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-105, filed 4/11/84; 82-13-040 (Order 82-61), § 220-56-105, filed 6/9/82; 81-05-027 (Order 81-13), § 220-56-105, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-105, filed 2/27/80, effective 4/1/80.]

WAC 220-56-126 Nonbuoyant lures and night closures—Saltwater. It is unlawful to fish for or possess salmon taken for personal use from the following saltwater areas unless the hooks meet the requirements of this section.

(1) Nonbuoyant lure restriction: In the following waters during the periods shown, it is unlawful to use a nonbuoyant lure that has more than one single hook or has a hook measuring more than 3/4 inch point to shank:

Area	Time Period
Duwamish waterway downstream from the First Avenue South Bridge to an east-west line through SW Hanford Street on Harbor Island parallel to SW Spokane Street where it crosses Harbor Island	July 1 - October 31
Budd Inlet - waters south of a line true west from the KGY radio station to the mainland and north of the closed zone provided for in WAC 220-56-128	July 16 - October 31
Westport Boat Basin	August 16 - January 31

(2) During the gear restricted periods provided for in this section it is unlawful to fish for food fish or shellfish from

one hour after official sunset to one hour before official sunrise.

(3) No leads, weights, or sinkers may be attached below or less than 12 inches above a lure.

(4) All hooks must be attached within 3 inches of the bait or lure.

(5) It is unlawful to use forage fish jigger gear.

[Statutory Authority: RCW 77.12.047. 03-21-001 (Order 03-255), § 220-56-126, filed 10/1/03, effective 11/1/03; 01-06-036 (Order 01-24), § 220-56-126, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080 and 77.12.040. 98-15-081 (Order 98-122), § 220-56-126, filed 7/15/98, effective 8/15/98. Statutory Authority: RCW 75.08.080. 95-12-027 (Order 95-46), § 220-56-126, filed 5/31/95, effective 7/1/95; 93-08-034 (Order 93-20), § 220-56-126, filed 3/31/93, effective 5/1/93; 90-06-026, § 220-56-126, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-126, filed 3/16/89; 85-09-017 (Order 85-20), § 220-56-126, filed 4/9/85.]

WAC 220-56-129 Unclassified freshwater invertebrates. (1) Definitions. For purposes of this section, "freshwater clams and mussels" means all freshwater bivalves existing in Washington in a wild state, except prohibited aquatic animal species classified under WAC 232-12-090.

(2) It is unlawful for any person to take or possess freshwater clams and mussels taken for personal use.

(3) Violation of this rule is punishable under RCW 77.15.140.

[Statutory Authority: RCW 77.12.047. 03-05-057 (Order 03-24), § 220-56-129, filed 2/14/03, effective 5/1/03.]

WAC 220-56-175 Catch record cards. It is unlawful for any person to fail to comply with the catch record requirements as provided for in this section:

(1) In order to fish for or possess for personal use any crab, anadromous salmon, sturgeon, halibut taken from Catch Record Card Areas 5 through 13, or steelhead, an angler must obtain and have in personal possession a valid appropriate catch record card as described in WAC 220-69-236 except for commercially caught salmon retained for personal use as provided for in WAC 220-20-016 and commercially caught sturgeon retained for personal use as provided for in WAC 220-20-021.

(2) Any angler, after obtaining a catch record card shall validate the catch record card by completely, accurately, and legibly completing all personal identification information in ink on the catch record card prior to detaching the catch record card from the underlying copy of the catch record card or, for automated licenses, affixing the appropriate validation sticker to the catch record card. A catch record card remains valid so long as there are one or more unfilled spaces available for the species being fished for, except:

(a) In the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington for sturgeon a catch record card remains valid when the sturgeon portion of the catch record card is filled. A person may not retain sturgeon after the sturgeon portion of the catch record card is filled.

(b) A second or subsequent catch record card is invalid for retention of sturgeon.

(3) Immediately upon catching and possessing a salmon, steelhead, sturgeon or halibut, the angler shall enter in ink in the appropriate space the place, date of catch, species (catch type), for sturgeon, length and, for halibut, vessel type.

(4) Immediately upon retaining a Dungeness crab aboard a vessel or on the shore, the fisher must enter in ink in the appropriate space the place and date of catch, fishery type and enter a tally mark for each Dungeness crab retained from each catch record card area fished. At the end of the fishing day, the fisher shall enter the total number of crab tally marks for each fishery type.

(5) Every person possessing a catch record card shall by April 30 of the year following the year printed on the card return such card to the department of fish and wildlife.

(6) Any person possessing a catch record card shall, upon demand of any law enforcement officer or authorized department employee, exhibit said card to such officer or employee for inspection.

(7) A catch record card shall not be transferred, borrowed, altered, or loaned to another person.

[Statutory Authority: RCW 77.12.047. 03-05-057 (Order 03-24), § 220-56-175, filed 2/14/03, effective 5/1/03; 01-06-036 (Order 01-24), § 220-56-175, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 77.32.050. 00-11-178 (Order 00-80), § 220-56-175, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-175, filed 3/29/00, effective 5/1/00; 99-17-066 (Order 99-125), § 220-56-175, filed 8/13/99, effective 4/1/00. Statutory Authority: RCW 75.08.080. 91-08-054 (Order 91-13), § 220-56-175, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-175, filed 2/28/90, effective 3/31/90; 89-07-071 (Order 89-05), § 220-56-175, filed 3/20/89; 88-05-002 (Order 88-03), § 220-56-175, filed 2/4/88; 85-11-020 (Order 85-43), § 220-56-175, filed 5/10/85; 80-03-064 (Order 80-12), § 220-56-175, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-023.]

WAC 220-56-230 Bottomfish—Closed areas. It is unlawful to fish for or possess bottomfish taken for personal use from within an eastward facing "C" shaped closed area defined as: Beginning at 48°N, 124°59'W, thence to 48°N, 125°18'W, thence to 48°18'N, 125°18'W, thence to 48°18'N, 124°59'W, thence to 48°11'N, 124°59'W, thence to 48°11'N, 125°11'W, thence to 48°04'N, 125°11'W, thence to 48°04'N, 124°59'W, thence to the point of origin.

[Statutory Authority: RCW 77.12.047. 03-05-057 (Order 03-24), § 220-56-230, filed 2/14/03, effective 5/1/03. Statutory Authority: RCW 75.08.080. 90-06-026, § 220-56-230, filed 2/28/90, effective 3/31/90.]

WAC 220-56-235 Possession limits—Bottomfish. It is unlawful for any person to take in any day more than the following quantities of bottomfish for personal use. The possession limit at any time shall not exceed the equivalent of two daily limits in fresh, frozen or processed form. Unless otherwise provided bottomfish fishing is open the entire year.

(1) Coastal (Catch Record Card Areas 1 through 4) - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

(a) Lingcod - 2 fish minimum length 24 inches.

(b) Rockfish - 10 fish of which no more than 1 may be a canary rockfish. Release all yelloweye rockfish.

(c) Surfperch (excluding shiner perch) - 15 fish.

(d) Wolfeel - 0 fish from Catch Record Card Area 4.

(e) Cabezon - 2 fish east of the Bonilla-Tatoosh line.

(2) Inner Puget Sound (Catch Record Card Areas 5 through 13):

(a) Catch Record Card Areas 5 and 6 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish, except canary and yelloweye rockfish except	1 fish
May 1 through September 30 in Marine Area 5 west of Slip Point	3 fish of which no more than 1 may be other than black rockfish, and release canary and yellow-eye rockfish
Surfperch	10 fish
Pacific cod	2 fish
Pollock	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pacific hake	2 fish

(b) Catch Record Card Area 7 - 15 fish in the aggregate of all species of bottomfish, which may include no more than:

Rockfish, except canary and yelloweye rockfish	1 fish
Surfperch	10 fish
Pacific cod	2 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pollock	2 fish
Pacific hake	2 fish

(c) Catch Record Card Areas 8-1 through 13 - 15 fish in the aggregate of all species and species groups of bottomfish, which may include no more than:

Rockfish, except canary and yelloweye rockfish	1 fish
Surfperch	10 fish
Pacific cod	0 fish
Pollock	0 fish
Flatfish (except halibut)	15 fish
Lingcod	1 fish
Wolf-eel	0 fish
Cabezon	2 fish
Pacific hake	0 fish

(d) It is unlawful to possess lingcod taken by angling less than 26 inches in length or greater than 40 inches in length.

(e) The daily limit taken by spear fishing may include no more than one lingcod. There is no size restriction on the one lingcod allowed in the daily limit if taken by spear fishing.

(f) It is unlawful to retain cabezon taken from Catch Record Card Areas 5 through 13 from December 1 through April 30.

(g) It is unlawful to retain six-gill shark taken from Catch Record Card Areas 5 through 13.

(h) It is unlawful to retain canary rockfish taken from Catch Record Card Areas 5 through 13.

(i) It is unlawful to retain yelloweye rockfish taken from Catch Record Card Areas 1 through 13.

[Statutory Authority: RCW 77.12.047. 03-16-100 (Order 03-178), § 220-56-235, filed 8/6/03, effective 9/6/03; 03-05-057 (Order 03-24), § 220-56-235, filed 2/14/03, effective 5/1/03; 02-09-001 (Order 02-53A), § 220-56-235, filed 4/3/02, effective 5/4/02; 01-06-036 (Order 01-24), § 220-56-235, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7. 00-17-016 (Order 00-139), § 220-56-235, filed 8/3/00, effective 9/3/00. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-235, filed 3/29/00, effective 5/1/00; 99-15-081 (Order 99-102), § 220-56-235, filed 7/20/99, effective 8/20/99. Statutory Authority: RCW 75.08.080. 98-15-032 (Order 98-119), § 220-56-235, filed 7/7/98, effective 8/7/98; 97-07-078 (Order 97-53), § 220-56-235, filed 3/19/97, effective 5/1/97; 96-05-004 (Order 96-13), § 220-56-235, filed 2/9/96, effective 5/1/96; 95-04-066 (Order 95-10), § 220-56-235, filed 1/30/95, effective 5/1/95; 94-14-069, § 220-56-235, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-235, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-235, filed 5/12/92, effective 6/12/92; 91-08-054 (Order 91-13), § 220-56-235, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-235, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-235, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-235, filed 4/26/88; 85-09-017 (Order 85-20), § 220-56-235, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-235, filed 4/11/84; 83-07-043 (Order 83-16), § 220-56-235, filed 3/17/83; 80-07-017 (Order 80-45), § 220-56-235, filed 6/11/80; 80-03-064 (Order 80-12), § 220-56-235, filed 2/27/80, effective 4/1/80.]

WAC 220-56-250 Lingcod—Areas and seasons. It is unlawful to take, fish for or possess lingcod for personal use except during the seasons and within the areas herein provided:

(1) Coastal area (a) Catch Record Card Areas 1 through 3 - March 16 through October 15, (b) Catch Record Card Area 4 - April 16 through October 15.

(2) Catch Record Card Areas 5 through 13 - May 1 through June 15 by angling and May 21 through June 15 by spear fishing.

[Statutory Authority: RCW 77.12.047. 03-05-057 (Order 03-24), § 220-56-250, filed 2/14/03, effective 5/1/03. Statutory Authority: 2000 c 107 § 7. 00-17-016 (Order 00-139), § 220-56-250, filed 8/3/00, effective 9/3/00. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-250, filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 75.08.080. 92-11-012 (Order 92-19), § 220-56-250, filed 5/12/92, effective 6/12/92; 91-08-054 (Order 91-13), § 220-56-250, filed 4/2/91, effective 5/3/91; 89-10-032 (Order 89-26), § 220-56-250, filed 4/27/89; 84-09-026 (Order 84-22), § 220-56-250, filed 4/11/84; 83-07-043 (Order 83-16), § 220-56-250, filed 3/17/83; 82-07-047 (Order 82-19), § 220-56-250, filed 3/18/82; 80-07-017 (Order 80-45), § 220-56-250, filed 6/11/80; 80-03-064 (Order 80-12), § 220-56-250, filed 2/27/80, effective 4/1/80.]

WAC 220-56-255 Halibut—Seasons—Daily and possession limits. (1) It is unlawful to fish for or possess halibut taken for personal use except from:

(a) Catch Record Card Area 1: Open May 1 through September 30, unless closed earlier by emergency regulation. Minimum size limit 32 inches in length.

(b) Catch Record Card Area 2:

(i) Those waters south of the Queets River, north of 47° and east of 124°40'W - Open May 2 through September 30, unless closed earlier by emergency regulation.

(ii) All other open waters in Area 2 - Open May 2 through September 30, unless closed to fishing for halibut 12:01 a.m. of each Friday through 11:59 p.m. of each Saturday.

(iii) The following waters are closed to halibut fishing: Inside a rectangle defined by the following four corners: 47°19'0"N, 124°53'0"W; 47°19'00"N, 124°48'0"W; 47°16'0"N, 124°53'0"W; 47°16'0"N, 124°48'0"W.

(c) Catch Record Card Area 3 and those waters of Catch Record Card Area 4 west of the Bonilla-Tatoosh line: Open

May 1 through September 30 unless closed by emergency regulation. Closed to fishing for halibut 12:01 a.m. of each Sunday through 11:59 p.m. of each Monday. The following area southwest of Cape Flattery is closed to halibut fishing at all times:

Those waters within an eastward facing "C" shaped closed area defined as: Beginning at 48°N, 124°59'W, thence to 48°N, 125°18'W, thence to 48°18'N, 125°18'W, thence to 48°18'N, 124°59'W, thence to 48°11'N, 124°59'W, thence to 48°11'N, 125°11'W, thence to 48°04'N, 125°11'W, thence to 48°04'N, 124°59'W, thence to the point of origin.

(d) Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Catch Record Card Areas 5 through 13: May 27 through July 12 - Closed 12:01 a.m. Tuesday through 11:59 p.m. Wednesday of each week during the open period.

(2) Daily limit one halibut. The daily limit in Area 1 is the first halibut over 32 inches in length brought aboard the vessel.

(3) The possession limit is two daily limits of halibut in any form, except the possession limit aboard the fishing vessel is one daily limit.

[Statutory Authority: RCW 77.12.047. 03-05-057 (Order 03-24), § 220-56-255, filed 2/14/03, effective 5/1/03. Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-56-255, filed 7/20/99, effective 8/20/99; 99-08-029 (Order 99-13), § 220-56-255, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-255, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-255, filed 3/19/97, effective 5/1/97; 95-12-027 (Order 95-46), § 220-56-255, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-255, filed 7/1/94, effective 8/1/94; 93-15-011, § 220-56-255, filed 7/8/93, effective 8/8/93; 93-08-034 (Order 93-20), § 220-56-255, filed 3/31/93, effective 5/1/93; 89-07-060 (Order 89-12), § 220-56-255, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-255, filed 4/26/88; 85-10-062 (Order 85-39), § 220-56-255, filed 5/1/85; 80-03-064 (Order 80-12), § 220-56-255, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-071.]

WAC 220-56-265 Forage fish—Lawful gear. It shall be unlawful to take, fish for and possess herring, candlefish, pilchards, anchovies and smelt taken for personal use except with hand dip net gear not exceeding 36 inches across the bag frame having a maximum mesh size of one-half inch stretched mesh size, and forage fish jigger gear having not more than three treble or nine single hooks. It is unlawful to use a dip bag net to take forage fish unless the operator of the net holds the handle at all times the netting is in the water. It is unlawful to operate a dip bag net to harvest forage fish from a vessel under power, or to use more than one forage fish dip net at a time. Only persons with a disability license may use a hand-operated gate on a dip net while fishing for forage fish. Forage fish jigger gear hooks may not have a gap between the shank and the point exceeding 3/8 inch.

[Statutory Authority: RCW 77.12.047. 03-05-057 (Order 03-24), § 220-56-265, filed 2/14/03, effective 5/1/03; 02-08-048 (Order 02-53), § 220-56-265, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 77.12.040 and 75.08.080. 98-06-031, § 220-56-265, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 95-04-066 (Order 95-10), § 220-56-265, filed 1/30/95, effective 5/1/95; 88-10-013 (Order 88-15), § 220-56-265, filed 4/26/88; 80-03-064 (Order 80-12), § 220-56-265, filed 2/27/80, effective 4/1/80.]

WAC 220-56-282 Sturgeon—Areas, seasons, limits and unlawful acts. (1) It is lawful to fish for sturgeon the entire year in saltwater and open in freshwater concurrent with a salmon or gamefish opening unless otherwise provided, except:

(a) It is unlawful to fish for sturgeon from a floating device May 1 through July 15 downstream from the boating deadline below Bonneville Dam to markers on the Oregon and Washington shores of the Columbia River at Beacon Rock;

(b) It is unlawful to fish for sturgeon inside the south navigation lock at Bonneville Dam from a marker on the westernmost point of Robins Island to a marker on the Oregon mainland shore; [and]

(c) It is unlawful to fish for sturgeon in those waters of the Columbia River between the upstream line of Bonneville Dam and the lowermost Bonneville power line crossing, except when fishing with hand-casted hook and line gear from the mainland shore downstream of a line from a fishing boundary on the Washington shore approximately three-quarters of a mile below the dam to the downstream end of Cascade Island, thence to the Oregon fishing boundary marker on Bradford Island, located approximately 850 feet downstream from the fish ladder entrance.

[(d) It is unlawful to retain sturgeon taken downstream from the Wauna power lines at River Mile 40 during the period July 10 through September 30.]

(2) The daily limit is one sturgeon, with the following size restrictions:

(a) Minimum size 48 inches in length in the Columbia River and tributaries upstream from The Dalles Dam.

(b) Minimum size 42 inches in length in all other state waters.

(c) Maximum size 60 inches in length.

Once the daily limit has been retained, it is lawful to continue to fish for sturgeon in the mainstem of the Columbia River downstream from where the river forms the boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

(3) The possession limit is two daily limits of fresh, frozen or processed sturgeon.

(4) There is an annual personal use limit of five sturgeon from April 1 through March 31, regardless of where the sturgeon were taken. After the annual limit of sturgeon has been taken, it is lawful to continue to fish for sturgeon in the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington, provided that all subsequent sturgeon are released immediately.

(5) It is unlawful to fish for sturgeon with terminal gear other than bait and single barbless hooks. It is lawful to use artificial scent with bait when fishing for sturgeon.

(6) It is unlawful to fish for or possess sturgeon taken for personal use from freshwater, except the Chehalis River, from one hour after official sunset to one hour before official sunrise.

(7) It is unlawful to possess in the field sturgeon eggs without having retained the intact carcass of the fish from which the eggs have been removed.

(8) It is unlawful to use a gaff or other fish landing aid that penetrates the fish while restraining, handling or landing a sturgeon.

(9) It is unlawful to fail to immediately return to the water any undersize sturgeon.

(10) It is unlawful to totally or partially remove oversize sturgeon from the water.

[Statutory Authority: RCW 77.12.047. 03-21-133 (Order 03-273), § 220-56-282, filed 10/21/03, effective 4/1/04; 03-18-006 (Order 03-209), § 220-56-282, filed 8/20/03, effective 9/20/03; 02-08-048 (Order 02-53), § 220-56-282, filed 3/29/02, effective 5/1/02; 01-06-036 (Order 01-24), § 220-56-282, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080. 95-04-066 (Order 95-10), § 220-56-282, filed 1/30/95, effective 5/1/95; 91-08-054 (Order 91-13), § 220-56-282, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-282, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-282, filed 3/16/89.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 220-56-320 Shellfish gear—Unlawful acts. (1) It is unlawful for the owner or operator of any personal use shellfish gear to leave such gear unattended in the waters of the state unless said gear is marked with a buoy to which shall be affixed in a permanent visible and legible manner the first and last name and permanent mailing address of the operator. It is unlawful for more than one person's name and address to appear on the same marker buoy. Unattended shellfish gear must have the line attaching the buoy to the pot weighted sufficiently to prevent the line from floating on the water's surface. The following additional requirements apply to buoys attached to unattended shellfish pots:

(a) All buoys must consist of durable material and remain visible on the surface at all times except during extreme tidal conditions. It is unlawful to use bleach, antifreeze or detergent bottles, paint cans or any other container.

(b) All buoys attached to shrimp gear must be yellow or fluorescent yellow in color. Flags and staff, if attached, may be any color.

(c) All buoys attached to crab gear must be half red or half fluorescent red in color and half white in color. Flags and staff, if attached, may be any color.

(2) The maximum perimeter of any shrimp pot shall not exceed 10 feet, and the pot shall not exceed 1-1/2 feet in height.

(3) It is unlawful to fish for or possess crab taken with shellfish pot gear that are equipped with tunnel triggers or other devices which prevent free exit of crabs under the legal limit unless such gear is equipped with not less than two escape rings located in the upper half of the pot which are not less than 4-1/4 inches inside diameter in all waters except the Columbia River. In the Columbia River east of the Buoy 10 line the escape ring minimum size is 4 inches inside diameter. The minimum mesh size for crab pots is 1-1/2 inches.

(4) It is unlawful to take, fish for or possess shrimp taken for personal use with shellfish pot gear in the waters of Hood Canal southerly of the site of the Hood Canal Floating Bridge unless such gear meets the following requirements:

(a) The entire top, bottom, and sides of the shellfish pots must be constructed of mesh material and except for the entrance tunnels have the minimum mesh opening size defined below.

(b) The minimum mesh opening size for Hood Canal shrimp pots is defined as a mesh that a 7/8-inch square peg will pass through each mesh without changing the shape of the mesh opening.

(c) All entrance tunnels must open into the pot from the side.

(d) The sum of the maximum widths of all entrance tunnels must not exceed 1/2 the perimeter of the bottom of the pot.

(5) It is unlawful to fish for or possess shellfish taken for personal use with shellfish pot gear unless the gear allows for escapement using at least one of the following methods:

(a) Attachment of pot lid hooks or tiedown straps with a single strand or loop of untreated, 100 percent cotton twine no larger than thread size 120 so that the pot lid will open freely if the twine or fiber is broken.

(b) An opening in the pot mesh no less than three inches by five inches which is laced or sewn closed with untreated, 100 percent cotton twine no larger than thread size 120. The opening must be located within the top half of the pot and be unimpeded by the entry tunnels, bait boxes, or any other structures or materials.

(c) Attachment of pot lid or one pot side serving as a pot lid with no more than three single loops of untreated 100 percent cotton or other natural fiber twine no larger than thread size 120 so that the pot lid or side will open freely if the twine or fiber is broken.

(6) Shellfish pots must be set in a manner that they are covered by water at all times.

[Statutory Authority: RCW 77.12.047. 03-05-057 (Order 03-24), § 220-56-320, filed 2/14/03, effective 5/1/03; 01-06-036 (Order 01-24), § 220-56-320, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080 and 77.12.040. 99-08-029 (Order 99-13), § 220-56-320, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-320, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-320, filed 3/19/97, effective 5/1/97; 94-14-069, § 220-56-320, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-320, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-320, filed 5/12/92, effective 6/12/92; 90-06-026, § 220-56-320, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-320, filed 3/16/89; 88-12-025 (Order 88-28), § 220-56-320, filed 5/25/88, effective 8/22/88; 87-09-066 (Order 87-16), § 220-56-320, filed 4/21/87; 85-09-017 (Order 85-20), § 220-56-320, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-320, filed 4/11/84; 82-07-047 (Order 82-19), § 220-56-320, filed 3/18/82; 81-05-027 (Order 81-13), § 220-56-320, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-320, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-088.]

WAC 220-56-325 Shrimp—Areas and seasons. (1) The following areas shall be defined as shrimp fishing districts:

(a) Discovery Bay Shrimp District - All waters south of a line from McCurdy Point on the Quimper Peninsula to the northern tip of Protection Island, to Rocky Point on the Miller Peninsula, and including all waters of Discovery Bay;

(b) Port Angeles Shrimp District - All waters of Port Angeles Harbor west of a line from the eastern tip of Ediz Hook to the ITT-Rayonier dock;

(c) Sequim Bay Shrimp District - All waters of Sequim Bay south of a line projected west from Travis Spit on the Miller Peninsula;

(d) Hood Canal Shrimp District - All waters of Hood Canal south of the Hood Canal Floating Bridge;

(e) Carr Inlet Shrimp District - All waters of Carr Inlet north of a line from Penrose Point to Green Point;

(f) Port Townsend Shrimp District - All waters of Port Townsend Bay south and west of a line from Marrowstone Point to Point Wilson, including Kilisut Harbor.

(2) It shall be unlawful to fish for or possess shrimp taken for personal use from the following areas, except as otherwise provided in this section:

(a) Discovery Bay Shrimp District - Open 7:00 a.m. the first Saturday in June and open only on days set by emergency rule;

(b) Port Angeles Shrimp District - Open 7:00 a.m. the first Saturday in June through September 30;

(c) Hood Canal Shrimp District - Open 9:00 a.m. on the third Saturday in May and open only on days set by emergency rule;

(d) Port Townsend Shrimp District and Marine Area 10 - Open 7:00 a.m. the third Saturday in April and open only on days set by emergency rule;

(e) All other areas - Open 7:00 a.m. the third Saturday in April through October 15 except:

(i) Closed in Sequim Bay Shrimp District and Carr Inlet Shrimp District.

(ii) Marine Areas 8-1, 8-2, and 9 closed Monday through Wednesday of each week during the open period.

(3) During the general shrimp seasons described above, it is unlawful to retain spot shrimp except as provided below:

(a) Discovery Bay Shrimp District - Spot shrimp may be retained on Saturdays only.

(b) Port Angeles Shrimp District - Spot shrimp may be retained on Saturdays and Sundays only.

(c) Marine Areas 8-1, 8-2, and 9 - Spot shrimp may be retained only as set by emergency rule.

(d) All other areas - Spot shrimp may be retained each open day.

[Statutory Authority: RCW 77.12.047. 03-05-057 (Order 03-24), § 220-56-325, filed 2/14/03, effective 5/1/03; 01-06-036 (Order 01-24), § 220-56-325, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-56-325, filed 7/20/99, effective 8/20/99; 98-06-031, § 220-56-325, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-325, filed 3/19/97, effective 5/1/97; 96-05-004 (Order 96-13), § 220-56-325, filed 2/9/96, effective 5/1/96; 93-08-034 (Order 93-20), § 220-56-325, filed 3/31/93, effective 5/1/93; 89-07-060 (Order 89-12), § 220-56-325, filed 3/16/89; 86-09-020 (Order 86-08), § 220-56-325, filed 4/9/86; 84-09-026 (Order 84-22), § 220-56-325, filed 4/11/84; 80-03-064 (Order 80-12), § 220-56-325, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-084.]

WAC 220-56-350 Clams other than razor clams, cockles, borers, mussels—Areas and seasons. (1) It is lawful to take, dig for and possess clams, cockles, borers and mussels taken for personal use on Puget Sound the entire year except that public tidelands at the following beaches are closed unless otherwise provided:

(a) Ala Spit: Closed the entire year.

(b) Brown Point (DNR 57-B): Open January 1 through April 15.

(c) Cama Beach State Park: Closed the entire year.

(d) Camano Island State Park: Closed the entire year.

(e) Cline Spit: Closed the entire year.

(f) Cutts Island State Park: Open January 1 through June 15.

(g) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of clams the entire year except as follows:

(i) State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires.

(ii) State-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

(iii) State-owned tidelands from markers and signs posted immediately north of the community of Lindsays Beach north to a line immediately north of Broad Spit identified by markers and signs.

(h) Dosewallips State Park: Open March 1 through May 31 only in area defined by boundary markers and signs posted on the beach.

(i) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are open March 1 through December 31.

(j) Dungeness Spit and Dungeness National Wildlife Refuge Tidelands - Open May 15 through September 30.

(k) Eagle Creek: Open June 1 through July 15.

(l) Fort Flagler State Park including that portion of the spit west of the park boundary (Rat Island): Open April 1 through May 15.

(m) Freeland County Park - Open January 1 through June 30.

(n) Frye Cove - Open January 1 through May 31.

(o) Garrison Bay: Tidelands at Guss Island and those tidelands at British camp between the National Park Service dinghy dock at the north end and the park boundary at the south end are closed the entire year.

(p) Gertrude Island - All tidelands at Gertrude Island closed the entire year.

(q) Hoodsport: Tidelands at Hoodsport Salmon Hatchery are closed the entire year.

(r) Hope Island State Park (South Puget Sound): Open April 1 through April 30.

(s) Illahee State Park: Closed the entire year.

(t) Kayak Point County Park: Closed the entire year.

(u) Kitsap Memorial State Park: Open May 15 through June 15.

(v) Kopachuck State Park: Open June 1 through July 31.

(w) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of clams the entire year.

(x) McNeil Island - All tidelands on McNeil Island are closed the entire year.

(y) Mukilteo State Park - Closed the entire year.

(z) Mystery Bay State Park: Open October 1 through April 30.

(aa) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of clams the entire year except state-owned Tidelands on the east side of North Bay north of the power transmission lines and south of the power transmission lines for 1,600 feet.

(bb) Oak Bay County Park: Open June 1 through June 15.

(cc) Oyster Reserves: Puget Sound and Willapa Bay state oyster reserves are closed the entire year except as follows:

(i) Case Inlet: Tidelands on the east side of North Bay at the north end of the inlet open the entire year.

(ii) North Bay: State-owned oyster reserves on the east side of North Bay north of the power transmission lines which cross the bay at the north end of Case Inlet open the entire year.

(iii) Oakland Bay: Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bayshore Peninsula between department markers open the entire year.

(iv) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

(dd) Penrose Point State Park: Open April 1 through April 30.

(ee) Picnic Point County Park: Closed the entire year.

(ff) Pitship Point: Closed the entire year.

(gg) Pitt Island - All tidelands on Pitt Island are closed the entire year.

(hh) Point Whitney (excluding Point Whitney Lagoon): April 1 through April 30.

(ii) Point Whitney Lagoon: Open May 1 through May 15.

(jj) Port Townsend Ship Canal/Portage Canal: Open January 1 through April 30.

(kk) Potlatch DNR tidelands: Closed the entire year.

(ll) Potlatch East: Closed the entire year.

(mm) Potlatch State Park: Closed the entire year.

(nn) Purdy Spit County Park: The southern shore of the spit from the boat ramp to the bridge is closed the entire year.

(oo) Quilcene Bay Tidelands - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed to the harvest of clams the entire year, except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open April 1 through December 31, daily from official sunrise to official sunset only.

(pp) Rendsland Creek: Open January 1 through May 31.

(qq) Saltwater State Park: Closed the entire year.

(rr) Scenic Beach State Park - Open April 16 through June 15.

(ss) Seahurst County Park: Closed the entire year.

(tt) Sequim Bay State Park - Open May 1 through June 15.

(uu) Shine Tidelands State Park: Open January 1 through May 15.

(vv) South Indian Island County Park: Closed the entire year.

(ww) Spencer Spit State Park: Open March 1 through July 31.

(xx) Triton Cove Tidelands: Open July 15 through September 15.

(yy) Triton Cove State Park: Open April 1 through June 30.

(zz) Twanoh State Park: Closed the entire year.

(aaa) West Dewatto: DNR Beach 44A is open January 1 through May 31.

(bbb) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and Nahcotta Tidelands Interpretive Site are closed year-round.

(ccc) Wolfe Property State Park: Open January 1 through May 15.

(2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.

(3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

[Statutory Authority: RCW 77.12.047. 03-05-057 (Order 03-24), § 220-56-350, filed 2/14/03, effective 5/1/03; 02-17-019 (Order 02-193), § 220-56-350, filed 8/9/02, effective 9/9/02; 02-08-048 (Order 02-53), § 220-56-350, filed 3/29/02, effective 5/1/02; 01-06-036 (Order 01-24), § 220-56-350, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-350, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-350, filed 3/29/00, effective 5/1/00; 99-08-029 (Order 99-13), § 220-56-350, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-350, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-350, filed 3/19/97, effective 5/1/97; 96-11-078 (Order 96-44), § 220-56-350, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-56-350, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-350, filed 7/1/94, effective 8/1/94; 93-15-011, § 220-56-350, filed 7/8/93, effective 8/8/93; 93-08-034 (Order 93-20), § 220-56-350, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-350, filed 5/12/92, effective 6/12/92; 91-08-054 (Order 91-13), § 220-56-350, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-350, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-350, filed 3/16/89; 88-10-013 (Order 88-15), § 220-56-350, filed 4/26/88; 87-09-066 (Order 87-16), § 220-56-350, filed 4/21/87; 86-09-020 (Order 86-08), § 220-56-350, filed 4/9/86; 85-12-046 (Order 85-57), § 220-56-350, filed 6/5/85; 83-07-043 (Order 83-16), § 220-56-350, filed 3/17/83; 81-05-027 (Order 81-13), § 220-56-350, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-350, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-082.]

WAC 220-56-380 Oysters—Areas and seasons. (1) It is lawful to take and possess oysters taken for personal use from public tidelands the entire year, except that public tidelands at the following beaches are closed unless otherwise provided:

(a) Brown Point (DNR 57-B): Closed the entire year.

(b) Dabob Bay - All state-owned tidelands in Dabob Bay north of a line drawn from Camp Harmony to Lindsays Beach are closed to the harvest of oysters the entire year, except as follows:

(i) State-owned tidelands from a row of tires at Camp Discovery south approximately 2,000 feet to a second row of tires.

(ii) State-owned tidelands beginning approximately 3/4 mile north of Camp Harmony extending approximately 1,200 feet north.

(iii) State-owned tidelands from markers and signs posted immediately north of the community of Lindsays Beach north to a line immediately north of Broad Spit identified by markers and signs.

(c) Dosewallips State Park: Open March 1 through December 31 only in areas defined by boundary markers and signs posted on the beach.

(d) Duckabush - All state-owned tidelands on the west shore of Hood Canal from Quatsap Point to the south end of the Duckabush flats are open to the harvest of oysters March 1 through December 31.

(e) Hoodsport: Tidelands at the Hoodsport Salmon Hatchery are closed the entire year.

(f) Illahee State Park: Open May 1 through June 30.

(g) Kitsap Memorial State Park: Open May 15 through July 15.

(h) Kopachuck State Park: Open March 1 through July 31.

(i) Liberty Bay - All state-owned tidelands in Liberty Bay north and west of the Keyport Naval Supply Center are closed to the harvest of oysters the entire year.

(j) Mystery Bay State Park: Open October 1 through April 30.

(k) North Bay - All state-owned tidelands in North Bay (Case Inlet) north of a line drawn southwest from Rocky Point to the north end of Reach Island thence due west to the mainland are closed to the harvest of oysters the entire year except for state-owned tidelands on the east side of North Bay north of the power transmission lines and south of the power transmission lines for 1,600 feet.

(l) Oyster Reserves: Puget Sound and Willapa Bay oyster reserves are closed the entire year except the following are open the entire year:

(i) Oakland Bay - Tidelands at the north end of Oakland Bay and on the channel of the northwest shore of the Bayshore Peninsula between department markers - open the entire year.

(ii) North Bay - State-owned reserves on the east side of North Bay north of the power transmission lines.

(iii) Willapa Bay - Long Island oyster reserve: Northwest side of Long Island between reserve monuments 39 and 41 and southwest side of Long Island between reserve monuments 58 and 59.

(m) Penrose Point State Park: Open April 1 through April 30.

(n) Potlatch East: Open April 1 through June 30.

(o) Potlatch State Park: Open April 1 through June 30.

(p) Quilcene Bay Tidelands - All state-owned tidelands in Quilcene Bay north of a line drawn from the Quilcene Boat Haven to Fisherman's Point are closed except those state-owned tidelands on the west side of the bay north of the Quilcene Boat Haven are open April 1 through December 31, daily from official sunrise to official sunset, only.

(q) Scenic Beach State Park: Open April 16 through July 30.

(r) Triton Cove State Park: Open April 1 through June 30.

(s) Willapa Bay: State-owned tidelands east of the department Willapa Bay Field Station and the Nahcotta Tidelands Interpretive Site are open only between boundary markers and posted signs.

(t) Wolfe Property State Park: Open January 1 through May 15.

(2) It is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

[Statutory Authority: RCW 77.12.047. 03-05-057 (Order 03-24), § 220-56-380, filed 2/14/03, effective 5/1/03; 02-08-048 (Order 02-53), § 220-56-380, filed 3/29/02, effective 5/1/02; 01-06-036 (Order 01-24), § 220-56-380, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 220-56-380, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 220-56-380, filed 3/29/00, effective 5/1/00; 99-08-029 (Order 99-13), § 220-56-380, filed 3/30/99, effective 5/1/99; 98-06-031, § 220-56-380, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080. 97-07-078 (Order 97-53), § 220-56-380, filed 3/19/97, effective 5/1/97; 96-11-078 (Order 96-44), § 220-56-380, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-56-380, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-380, filed 7/1/94, effective 8/1/94; 93-08-034 (Order 93-20), § 220-56-380, filed 3/31/93, effective 5/1/93; 92-11-012 (Order 92-19), § 220-56-380, filed 5/12/92, effective 6/12/92; 91-08-054 (Order 91-13), § 220-56-380, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-380, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-380, filed 3/16/89; 88-10-012 and 88-10-013 (Orders 88-14 and 88-15), § 220-56-380, filed 4/26/88; 87-09-066 (Order 87-16), § 220-56-380, filed 4/21/87; 86-09-020 (Order 86-08), § 220-56-380, filed 4/9/86; 84-09-026 (Order 84-22), § 220-56-380, filed 4/11/84; 82-13-040 (Order 82-61), § 220-56-380, filed 6/9/82; 82-07-047 (Order 82-19), § 220-56-380, filed 3/18/82; 81-05-027 (Order 81-13), § 220-56-380, filed 2/17/81, effective 4/1/81; 80-03-064 (Order 80-12), § 220-56-380, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-086.]

Chapter 220-60 WAC

OYSTERS AND CLAMS—SALES FROM STATE RESERVES

WAC

220-60-010 Publishing notice of sale.

WAC 220-60-010 Publishing notice of sale. Sales of oysters and/or clams from the oyster reserves of the state in excess of 50 bushels shall take place only after notice of such sales has been published in one newspaper of general circulation in the area in which such sales shall take place.

[Statutory Authority: RCW 77.12.047. 04-01-054 (Order 03-307), § 220-60-010, filed 12/11/03, effective 1/11/04. Statutory Authority: RCW 75.08.080. 85-24-045 (Order 85-190), § 220-60-010, filed 11/27/85; Order 248, § 1, filed 3/1/60.]

Chapter 220-69 WAC

FISH RECEIVING TICKETS—WEIGHT DELIVERY SHEETS

WAC

220-69-240 Duties of commercial purchasers and receivers.
220-69-241 Duties of commercial fishers.

WAC 220-69-240 Duties of commercial purchasers and receivers. (1) Every person originally receiving or purchasing fresh or iced food fish or shellfish or parts thereof, or frozen food fish or shellfish or parts thereof that have not been previously landed in another state, territory, or country from fishers, firms, or individuals, except purchases or receipts made by individuals or consumers at retail, is required to be a licensed wholesale fish dealer or fish buyer, and must immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket regarding each and every purchase or receipt of such commodities. Except, preparation of a fish receiving ticket is not required for fish or shellfish purchased from a fisher who holds either a wholesale dealer's license or a direct retail endorsement and who has previously completed a fish receiving ticket because product was offered for sale to someone other than a licensed wholesale dealer. Purchases from such persons by wholesale fish dealers must be documented by sales receipts or invoices, and the product received must be maintained separately until the product is resold or processed.

(2) Any employee of a licensed wholesale dealer who has authorization to receive or purchase fish or shellfish for

that dealer on the premises of the primary business address or any of its branch plant locations shall be authorized to initiate and sign fish receiving tickets on behalf of his employer. The business or firm shall be responsible for the accuracy and legibility of all such documents initiated in its name. Each delivery must be recorded on a separate state of Washington fish receiving ticket.

(3) State of Washington fish receiving tickets are required for:

(a) Fresh food fish and shellfish landed in the state of Washington including fish or shellfish not purchased, which fish shall be recorded as weigh back or take home fish or shellfish.

(b) Fresh food fish and shellfish previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.

(c) Frozen food fish or shellfish not previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.

(4) State of Washington fish receiving tickets are not required for:

(a) Purchases or receipts from any person possessing a valid Washington wholesale dealer's license or direct retail endorsement except that a wholesale dealer purchasing fish from a commercial fisher shall complete the appropriate fish receiving ticket if the fisher has not previously completed a fish receiving ticket. It is the purchaser's responsibility to obtain the name, address, and Washington wholesale dealer's license or direct retail endorsement number, together with such sales receipt documents or information as may be required, to show the deliverer's name, quantity of fish, and date of the transaction and retain these with the food fish or shellfish.

(b) Fresh or frozen food fish or shellfish that are in transit through the state of Washington, if no storage, handling, processing, or repackaging occurs within the state.

(c) Private sector cultured aquatic products.

(d) Processed fish or shellfish.

(5) Fishers, fisher-wholesalers, and wholesalers shall determine the weight of baitfish contained in an average and normal brail and multiply the number of such brailers of baitfish by this weight factor and report such baitfish in both dozens and total weight: Provided, That it is lawful for such fishers, fisher-wholesalers, and wholesalers, when receiving herring, candlefish, anchovy, or pilchards for bait purposes, to delay completing that portion of the fish receiving ticket which indicates number of herring received, only if the herring, candlefish, anchovy, or pilchards are sold individually or counted as dozens. Such counts must be entered on the fish tickets immediately. An estimate of herring, candlefish, anchovy, or pilchards caught but not sold due to mortality must be included on the fish ticket as "loss estimate."

(6) It is lawful for an original receiver, when receiving purse seine-caught herring taken from Areas 20A, 20B, 21A, and 21B during the period April 16 through May 31, to delay completing that portion of the fish receiving ticket which indicates the weight of herring received only until the herring are off-loaded from the original receiver's vessel. The herring must then be weighed and the weight immediately entered in the appropriate space on the ticket. A separate state of Washington fish receiving ticket must be initiated at the time of each individual receipt of herring from the purse seine catching vessel.

(7) The original receiver of herring taken from Puget Sound Marine Fish-Shellfish Catch Areas 20A, 20B, 21A, and 21B, during the period April 16 through May 31 must report each calendar day's receipts by noon of the following day to the Department of Fish and Wildlife, LaConner, Washington; telephone 360-466-4345 ext. 243.

(8) It is unlawful for any person receiving or purchasing geoducks from fishers, firms, or individuals, regardless of whether or not the purchaser or receiver holds a license as required under Title 77 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual landing of geoducks from the harvesting vessel onto the shore. This fish receiving ticket shall accompany the harvested geoducks from the department of natural resources harvest tract to the point of landing.

(9) It is unlawful for the original receiver of Pacific whiting to fail to enter an estimated weight of Pacific whiting on the fish receiving ticket immediately upon completion of the landing. The exact weights of whiting, by grade, and all incidental species in the landing must be entered on the fish receiving ticket within twenty-four hours of the landing.

(10) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by pot gear to fail to report to the department the previous week's purchases by 10:00 a.m. the following Monday. For harvest in Crustacean Management Regions 1 or 2, reports must be made to the La Conner district office by voice 360-466-4345 extension 245, or facsimile 360-466-0515. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the Point Whitney Shellfish Laboratory by voice 1-866-859-8439, extension 600, or facsimile 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous week's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area (Catch Area), and species listed on each ticket. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect.

(a) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 23A, shall record either 23A-E, 23A-W or 23A-S on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(b) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26A, shall record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(c) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26B, shall record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(d) Every person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Areas 20B, 21A, and 22A, shall record either 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, or 1C-21A on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(11) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by trawl gear to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. For harvest in Crustacean Management Region 1, reports must be made to the La Conner district office by voice 360-466-4345 extension 245, or facsimile 360-466-0515. For harvest in Crustacean Management Region 3, reports must be made to the Point Whitney Shellfish Laboratory by voice 1-866-859-8439, extension 600, or facsimile 360-586-8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous day's shrimp were sold, and the total number of pounds caught by gear type, Marine Fish-Shellfish Management and Catch Reporting Area, and species listed on each ticket. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect.

(12) It is unlawful for any wholesale dealer acting in the capacity of an original receiver of Dungeness crab taken by nontreaty fishers from Puget Sound to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning. Reports must be made to the Point Whitney Shellfish Laboratory by facsimile 360-586-8408 or by telephone number 1-866-859-8439 extension 500 and must specify the dealer name, dealer phone number, and total number of pounds of crab caught by nontreaty fishers by Crustacean Management Region. The fish receiving ticket reporting requirement of WAC 220-69-240 remains in effect.

(13) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket immediately upon receipt of any portion of a commercial catch. Should the unloading of a catch take more than one day, the date that the unloading is completed shall be entered on the fish receiving ticket as the date of landing. If, for any purpose, the vessel leaves the unloading site, the original receiver must immediately enter the current date on the fish receiving ticket.

(14) During any fishery opening designated by rule as "quick reporting required," it is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report a summary of all purchases of salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement holder to fail to report a summary of all salmon offered for retail sale on the previous calendar day. The summary must include dealer name and purchasing location, date of purchase, list of fish ticket numbers used on the purchasing date, and the following summary catch data for each species purchased: Gear, catch area, species, number and total weight of fish. When quick reporting is required, it is unlawful to fail to comply with the following reporting requirements:

(a) Puget Sound summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

(i) Fax transmission to 360-902-2949

(ii) E-mail to psfishtickets@dfw.wa.gov or

(iii) Telephone to 1-866-791-1279

(b) Coastal troll summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

(i) Fax transmission to 360-902-2949

(ii) E-mail to trollfishtickets@dfw.wa.gov or

(iii) Telephone to 1-866-791-1279

(c) Grays Harbor and Willapa Bay summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

(i) Fax transmission to 360-664-0689

(ii) E-mail to harborfishtickets@dfw.wa.gov or

(iii) Telephone to 1-866-791-1280

(d) Columbia River summary reports must be reported by 10:00 a.m. on the day after the purchase date by either:

(i) Fax transmission to 360-906-6776 or 360-906-6777

(ii) E-mail to crfishtickets@dfw.wa.gov or

(iii) Telephone to 1-866-791-1281

(15) It is unlawful for any wholesale dealer acting in the capacity of an original receiver and receiving sea urchins or sea cucumbers from nontreaty fishers to fail to report to the department each day's purchases by 10:00 a.m. the following day. For red sea urchins the report must specify the number of pounds received from each sea urchin district. For green sea urchins and sea cucumbers the report must specify the number of pounds received from each Marine Fish-Shellfish Management and Catch Reporting Area. The report must be made by facsimile (fax) transmission to 360-902-2943 or by toll-free telephone to 866-207-8223, extension 866. Additionally, it is unlawful for the original receiver of red sea urchins to fail to record on the fish receiving ticket the sea urchin district where the red sea urchins were taken, and it is unlawful for the original receiver of any sea urchins to fail to record on the fish receiving ticket the name of the port of landing where the sea urchins were landed ashore.

(16) It is unlawful for any original receiver of crab to fail to record all crab aboard the vessel making the delivery to the original receiver. The poundage of any crab deemed to be unmarketable, discards, or weigh backs must be shown on the fish receiving ticket, but a zero dollar value may be entered for such crab.

(17) It is unlawful for any original receiver of spot shrimp taken from Marine Fish Management and Catch Reporting Area 60A-1 to fail to record separately on the fish receiving ticket spot shrimp taken north or south of 47°04.00' north latitude.

[Statutory Authority: RCW 77.12.047. 03-17-008 (Order 03-188), § 220-69-240, filed 8/8/03, effective 9/8/03; 03-05-064 (Order 03-28), § 220-69-240, filed 2/18/03, effective 3/21/03; 03-05-059 (Order 03-32), § 220-69-240, filed 2/18/03, effective 3/21/03; 01-07-015 (Order 01-32), § 220-69-240, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080. 00-01-145 (Order 99-221), § 220-69-240, filed 12/20/99, effective 1/20/00; 97-08-052 (Order 97-55), § 220-69-240, filed 3/31/97, effective 5/1/97. Statutory Authority: RCW 75.08.080 and 75.58.040. 86-19-043 (Order 86-102), § 220-69-240, filed 9/12/86. Statutory Authority: RCW 75.08.080. 85-11-020 (Order 85-43), § 220-69-240, filed 5/10/85; 83-24-049 (Order 83-203), § 220-69-240, filed 12/2/83; 82-17-040 (Order 82-105), § 220-69-240, filed 8/13/82; 81-11-006 (Order 81-31), § 220-69-240, filed 5/11/81; Order 77-14, § 220-69-240, filed 4/15/77; Order 76-153, § 220-69-240, filed 12/17/76.]

WAC 220-69-241 Duties of commercial fishers. (1) Every fisher selling food fish or shellfish to the consumer, restaurant, boathouse, or other retail outlet, and every fisher who places, or attempts to place, into inter-state commerce any food fish or shellfish previously landed in this state, or caught, or harvested from the territorial waters of this state, is required to possess a valid wholesale dealer's license or a direct retail endorsement. Such fishers must immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket in their own name

for each landing or delivery of fish. The fish receiving ticket must show the total of all fish and shellfish aboard the harvesting vessel upon landing or delivery. The fisher selling at retail must complete a fish receiving ticket before offering fish or shellfish for retail sale except if food fish or shellfish are being offered for sale directly off the catcher vessel the fisher may complete the ticket with an estimated number or weight. At the completion of the retail activity, the fisher who has completed a ticket with an estimated number or weight is required to complete a corrected fish receiving ticket with the actual number and weight of fish or shellfish that were sold at retail. The price shown on the fish ticket must be the actual sale price of the fish or shellfish.

(2) Each fisher offering food fish or shellfish for retail sale must maintain a sequentially numbered receipt book, which receipt book contains a receipt duplicate copy, and must give each purchaser of salmon or crab a receipt showing the number, weight and value of food fish or shellfish sold to that purchaser. The duplicate receipts must be retained by the seller for one year.

(3) In the commercial geoduck fishery, a vessel operator so designated by the geoduck tract holder must be present at all times on each vessel commercially harvesting geoducks or having commercially harvested geoducks aboard. For each day's harvest of geoducks from each tract, the designated operator must legibly and accurately enter the following information on a fish receiving ticket before leaving the department of natural resources geoduck harvest tract:

(a) Enter in the "dealer's use" column the number of cages of geoducks harvested.

(b) Write across the top of the fish receiving ticket directly below the tear strip, the harvest vessel name, its Washington department identification number and the date.

(c) Sign the fish receiving ticket as the fisher.

[Statutory Authority: RCW 77.12.047. 03-05-059 (Order 03-32), § 220-69-241, filed 2/18/03, effective 3/21/03. Statutory Authority: RCW 75.08.080. 00-01-145 (Order 99-221), § 220-69-241, filed 12/20/99, effective 1/20/00. Statutory Authority: RCW 75.08.080 and 75.58.040. 86-19-043 (Order 86-102), § 220-69-241, filed 9/12/86. Statutory Authority: RCW 75.08.080. 83-24-049 (Order 83-203), § 220-69-241, filed 12/2/83; 81-11-006 (Order 81-31), § 220-69-241, filed 5/11/81; 81-03-032 (Order 81-6), § 220-69-241, filed 1/13/81; Order 76-153, § 220-69-241, filed 12/17/76.]

Chapter 220-72 WAC
OYSTER DISEASES AND PESTS

WAC

220-72-002	Promulgation.
220-72-011	Oyster drill restricted shellfish areas—Puget Sound.
220-72-015	Oyster drill restricted shellfish areas—Willapa.
220-72-070	Oyster drill unrestricted shellfish areas.
220-72-073	Unlawful acts—Shellfish transfer.
220-72-076	Unlawful acts—Permit required.
220-72-086	European green crab (*Carcinus maenas*) restricted shellfish area.
220-72-087	European green crab unrestricted area.
220-72-089	Denman Island Disease prohibited area.
220-72-090	Denman Island Disease surveillance area.
220-72-092	Denman Island Disease unrestricted area.

WAC 220-72-002 Promulgation. In order to suppress and prevent the spread of infectious, contagious, communicable diseases and pests affecting shellfish, the following regulations are adopted (WAC 220-72-011 through 220-72-091).

[Statutory Authority: RCW 77.12.047. 03-10-041 (Order 03-86), § 220-72-002, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 97-08-078 (Order 97-56), § 220-72-002, filed 4/2/97, effective 5/3/97; Order 847, § 220-72-002, filed 9/24/69.]

WAC 220-72-011 Oyster drill restricted shellfish areas—Puget Sound. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands of Puget Sound within the following areas are designated as oyster drill restricted shellfish areas:

(1) Dungeness Bay—inside and bounded westerly of a line projected from the most easterly tip of Dungeness Spit true-south to the mainland.

(2) Drayton Harbor—inside and southerly of a line projected from the north most tip of Semiahmoo Spit to where the International Boundary line intersects the mainland.

(3) Lummi Bay—inside the Lummi Dike and inside and bounded by a line projected from:

Point No. 1 at 48°46'32" N. Lat.
122°40'00" W. Long. thence to

Point No. 2 at 48°45'55" N. Lat.
122°40'00" W. Long. thence to

Point No. 3 at 48°45'55" N. Lat.
122°39'12" W. Long.

Then northerly along the beach to the point of origin.

(4) Samish Bay—inside and easterly of a line starting at the most westerly tip of Governor's Point and projected in a southerly direction to the most westerly tip of William Point on Samish Island.

(5) Padilla Bay—easterly (including the Swinomish channel) of a line starting at the most westerly tip of William Point on Samish Island and projected southerly to the most northerly tip of March Point on Fidalgo Island.

(6) Similk and Skagit Bays—northerly of a line projected across Skagit Bay following latitude 48°20' N. and easterly of the Deception Pass bridge.

(7) Liberty Bay—inside and westerly of a line projected true south from the most southerly point at Tower Point.

(8) Dyes Inlet—inside and northerly of a line projected true east from the most northerly tip of Rocky Point to the mainland.

(9) Burley Lagoon—inside and northerly of the Purdy bridge.

(10) Case Inlet—

(a) Rocky Bay and North Bay—northerly of a line projected across Case Inlet following latitude 47°20'44" N.

(b) Vaughn Bay—easterly of a line projected true north from the most northerly point of the southern spit at the mouth of Vaughn Bay to the mainland on the north shore.

(11) Hammersley Inlet and Oakland Bay—inside, westerly and northerly of a line starting at the most southeasterly point of Munson Point and projected in a southeasterly direction to Eagle Point.

(12) Totten Inlet, Oyster Bay and Little Skookum Inlet—inside and southerly of a line starting at the most southeasterly point on Windy Point and projected northeasterly to the most northerly tip of Sandy Point (i.e., the southern base of the Steamboat Island Bridge).

(13) Eld Inlet—

(a) Mud Bay—inside and westerly of a line projected from the most easterly point of Flapjack Point and projected true south to the mainland.

(b) Sanderson Harbor—lying inside and westerly of a line starting at the most northern point on Sanderson Spit and projected northeasterly to the mainland.

(14) Nisqually Flats—inside and southerly of a line starting at the end of the DuPont Dock and projected true west to the mainland.

(15) Hood Canal—

(a) Quilcene Bay—inside, northerly and easterly of a line starting at the Port of Port Townsend boat ramp north of Coast Seafoods company shellfish hatchery projected easterly to a point at 48°48'10" N. Lat., 122°51'30" W. Long. and then projected southeasterly to the most westerly tip of Fisherman's Point.

(b) Tarboo Bay—inside, northerly and easterly of a line starting at the most northerly tip of Long Spit and then projected true west to the mainland.

(c) The Great Bend to Lynch Cove—inside and bounded easterly by lines projected from:

Point No. 1 at 47°23'02.7" N. Lat. 123°06'42.8" Long. thence to

Point No. 2 at 47°23'02.7" N. Lat. 123°06'55" W. Long. thence to

Point No. 3 at 47°21'00" N. Lat. 123°06'55" W. Long., then projected true east to the mainland.

(d) Hamma Hamma Flats and Jorsted Creek—inside and westerly of lines projected from:

Point No. 1 at 47°33'15" N. Lat. 123°01'42" W. Long. thence to

Point No. 2 at 47°32'54" N. Lat. 123°01'06" W. Long. thence to

Point No. 3 at 47°32'54" N. Lat. 123°01'48" W. Long. thence to

Point No. 4 at 47°31'00" N. Lat. 123°01'54" W. Long.

(e) Dosewallips Delta—inside and westerly of lines projected from:

Point No. 1 at 47°41'03" N. Lat. 122°53'45" W. Long. thence to

Point No. 2 at 47°41'03" N. Lat. 122°52'24" W. Long. thence to

Point No. 3 at 47°42'20.6" N. Lat. 122°52'24" W. Long. thence to

Point No. 4 at 47°42'20.6" N. Lat. 122°52'39" W. Long.

(f) Point Whitney—inside and westerly of lines projected from:

Point No. 1 at 47°45'43.7" N. Lat. 122°51'02" W. Long. thence to

Point No. 2 at 45°45'56" N. Lat. 122°51'02" W. Long. thence to

Point No. 3 at 45°45'56" N. Lat. 122°51'12" W. Long. thence to

Point No. 4 at 47°45'45" N. Lat. 122°51'12" W. Long.

(g) Duckabush River Mouth—inside and westerly of a line projected from:

Point No. 1 at 47°38'46" N. Lat. 122°54'08" W. Long. thence to

Point No. 2 at 47°37'55" N. Lat. 122°56'25" W. Long.

(16) Henderson Inlet—South Bay—inside and southerly of a line commencing at a point on the west shore of Henderson Inlet where the south line of Section 17, Twp 19 N R 1 WWM intersects the shoreline, thence projected true east across Henderson Inlet to the east shoreline.

[Statutory Authority: RCW 77.12.047. 03-10-041 (Order 03-86), § 220-72-011, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 97-08-078 (Order 97-56), § 220-72-011, filed 4/2/97, effective 5/3/97.]

WAC 220-72-015 Oyster drill restricted shellfish areas—Willapa. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater.

[Statutory Authority: RCW 77.12.047. 03-10-041 (Order 03-86), § 220-72-015, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 97-08-078 (Order 97-56), § 220-72-015, filed 4/2/97, effective 5/3/97.]

WAC 220-72-070 Oyster drill unrestricted shellfish areas. All waters, tidelands and shellfish handling facilities operated in conjunction with said waters and tidelands of Puget Sound, Grays Harbor and Willapa Bay lying outside the oyster drill restricted shellfish areas are hereby designated as oyster drill unrestricted shellfish areas.

[Statutory Authority: RCW 77.12.047. 03-10-041 (Order 03-86), § 220-72-070, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 97-08-078 (Order 97-56), § 220-72-070, filed 4/2/97, effective 5/3/97; Order 847, § 220-72-070, filed 9/24/69.]

WAC 220-72-073 Unlawful acts—Shellfish transfer. It shall be unlawful to move or transfer any shellfish, shellfish aquaculture products (including oyster seed, cultch, and shell), aquaculture equipment, (including aquaculture vehicles and vessels) or any marine organisms adversely affecting shellfish between any unrestricted shellfish areas, between restricted shellfish areas, and from an unrestricted shellfish area into a restricted shellfish area without first obtaining and having in possession for each shellfish transfer a current copy of the Washington department of fish and wildlife pamphlet "*Guidelines and requirements for the import and transfer of shellfish including oysters, clams, and other aquatic invertebrates in Washington state.*"

[Statutory Authority: RCW 77.12.047. 03-10-041 (Order 03-86), § 220-72-073, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 97-08-078 (Order 97-56), § 220-72-073, filed 4/2/97, effective 5/3/97; Order 847, § 220-72-073, filed 9/24/69.]

WAC 220-72-076 Unlawful acts—Permit required. (1) It shall be unlawful to transfer shellfish, shellfish aquaculture products (including oyster seed, cultch and shell), aquaculture equipment (including aquaculture vehicles and vessels) or any marine organisms adversely affecting shellfish from a oyster drill restricted area into an oyster drill unrestricted area without obtaining written permission from the director of fish and wildlife or the director's authorized agent. Such written permit must be affixed to or otherwise accom-

pany the conveyance affecting the physical transfer of such shellfish, shellfish aquaculture products (including oyster seed, cultch and shell), aquaculture equipment (including aquaculture vehicles and vessels) oyster drills, or drill-infested or marine organisms harmful to shellfish. Areas found to have aquatic diseases or pests (including the oyster drill Ceratostoma inornatum) will be immediately considered restricted by the department of fish and wildlife. The department will immediately notify property owners of the restricted status.

(2) To control the spread of European green crabs, it is unlawful to transfer shellfish aquaculture products (including all oysters and clams, oyster seed, cultch, and shell), and aquaculture equipment (including aquaculture vehicles and vessels) from a European green crab restricted area into a European green crab unrestricted area without obtaining written permission from the director of fish and wildlife or the director's authorized agent. Transfers to the waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater are exempted from this written permission requirement. Such written permit must be affixed to or otherwise accompany the conveyance affecting the physical transfer of such shellfish, shellfish aquaculture products (including oyster seed, cultch, and shell), or aquaculture equipment (including aquaculture vehicles and vessels).

(3) To control the spread of Denman Island Disease, it is unlawful to transfer shellfish aquaculture products (including all oysters and clams, oyster seed, cultch, and shell), and aquaculture equipment (including aquaculture vehicles and vessels) from or between a Denman Island Disease prohibited or surveillance area to a Denman Island Disease unrestricted area without obtaining written permission from the director of fish and wildlife or the director's authorized agent.

[Statutory Authority: RCW 77.12.047. 03-10-041 (Order 03-86), § 220-72-076, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 99-10-061 (Order 99-60), § 220-72-076, filed 5/3/99, effective 6/3/99; 97-08-078 (Order 97-56), § 220-72-076, filed 4/2/97, effective 5/3/97; Order 847, § 220-72-076, filed 9/24/69.]

WAC 220-72-086 European green crab (*Carcinus maenas*) restricted shellfish area. The European green crab restricted shellfish areas are as follows:

The waters and tidelands of Grays Harbor inside and easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty and from the waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater.

[Statutory Authority: RCW 77.12.047. 03-10-041 (Order 03-86), § 220-72-086, filed 4/30/03, effective 5/31/03.]

WAC 220-72-087 European green crab unrestricted area. All waters, tidelands and shellfish handling facilities operated in conjunction with said waters and tidelands of Washington lying outside the European green crab restricted shellfish areas as defined in chapter 220-72 WAC are hereby designated as European green crab unrestricted shellfish areas.

[Statutory Authority: RCW 77.12.047. 03-10-041 (Order 03-86), § 220-72-087, filed 4/30/03, effective 5/31/03.]

WAC 220-72-089 Denman Island Disease prohibited area. An area where *Mikrocytos mackini*, the causative agent of Denman Island Disease, has been confirmed with department approved histological methods by a department approved shellfish pathologist or reported in peer-reviewed scientific journal and accepted by the department. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands within the following areas are designated as Denman Island Disease prohibited areas:

(1) Dungeness Bay—inside and westerly of a line projected from the tip of Dungeness Spit due south to the mainland.

(2) Deer Harbor—inside and northerly of a line projected between Pole Pass Point and Steep Point.

[Statutory Authority: RCW 77.12.047. 03-10-041 (Order 03-86), § 220-72-089, filed 4/30/03, effective 5/31/03.]

WAC 220-72-090 Denman Island Disease surveillance area. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands easterly of a line projected true north of Cape Flattery to the international boundary line, northerly of a line between the north most tip of Tala Point and the west most tip of Foulweather Bluff, and northerly of a line between the east most point of Apple Cove Point and the west most point of Edwards Point.

[Statutory Authority: RCW 77.12.047. 03-10-041 (Order 03-86), § 220-72-090, filed 4/30/03, effective 5/31/03.]

WAC 220-72-092 Denman Island Disease unrestricted area. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands lying outside of a Denman Island Disease prohibited or surveillance area.

[Statutory Authority: RCW 77.12.047. 03-10-041 (Order 03-86), § 220-72-092, filed 4/30/03, effective 5/31/03.]

Chapter 220-88B WAC
COASTAL SPOT SHRIMP

WAC

220-88B-010 Emerging commercial fishery—Coastal—Purpose.

220-88B-020 Designation of the coastal spot shrimp pot fishery as an emerging commercial fishery.

220-88B-030 Emerging commercial fishery—Eligibility for coastal experimental fishery permits—Terms and conditions of use—Renewal—Vessel restriction—Incidental catch.

220-88B-050 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-88B-050 Coastal spot shrimp trawl experimental fishery—Season and gear—Trawl gear restriction-pot gear restriction—Species restriction. [Statutory Authority: RCW 77.12.047. 02-02-050 (Order 01-287), § 220-88B-050, filed 12/27/01, effective 1/27/02; 00-17-107 (Order 00-152), § 220-88B-050, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080. 99-01-154 (Order 98-257), § 220-88B-050, filed 12/22/98, effective 1/22/99.] Repealed by 03-17-007 (Order 03-187), filed 8/7/03, effective 9/7/03. Statutory Authority: RCW 77.12.047.

WAC 220-88B-010 Emerging commercial fishery—Coastal—Purpose. The purpose of this chapter is to establish the coastal spot shrimp pot fishery as an emerging commercial fishery, and to set time, place, and manner for participation in this fishery.

[Statutory Authority: RCW 77.12.047. 03-17-007 (Order 03-187), § 220-88B-010, filed 8/7/03, effective 9/7/03. Statutory Authority: RCW 75.08.080. 99-01-154 (Order 98-257), § 220-88B-010, filed 12/22/98, effective 1/22/99.]

WAC 220-88B-020 Designation of the coastal spot shrimp pot fishery as an emerging commercial fishery. (1) The director designates the coastal spot shrimp pot fishery as an emerging commercial fishery for which use of a vessel is required. It is unlawful to fish for, possess, or deliver spot shrimp taken for commercial purposes from Washington territorial waters west of the Bonilla-Tatoosh line or from waters of the Exclusive Economic Zone unless the fisher has a valid emerging commercial fishery license and a valid coastal spot shrimp pot experimental fishery permit.

(2) The following licenses may not be used to fish for, possess, or deliver spot shrimp taken in Washington territorial waters west of the Bonilla-Tatoosh line or waters of the Exclusive Economic Zone: Shellfish pot fishery license, nonlimited entry delivery license, salmon troll delivery license, salmon delivery license, crab pot fishery license, Dungeness crab—coastal fishery license.

[Statutory Authority: RCW 77.12.047. 03-17-007 (Order 03-187), § 220-88B-020, filed 8/7/03, effective 9/7/03. Statutory Authority: RCW 75.08.080. 99-01-154 (Order 98-257), § 220-88B-020, filed 12/22/98, effective 1/22/99.]

WAC 220-88B-030 Emerging commercial fishery—Eligibility for coastal experimental fishery permits—Terms and conditions of use—Renewal—Vessel restriction—Incidental catch. (1) No individual may hold more than one Washington coastal spot shrimp experimental fishery permit.

(2) Coastal spot shrimp experimental fishery permits are not transferable. Only the vessel designated on the emerging commercial fishery license and coastal spot shrimp experimental fishery permit may be used to fish for or deliver spot shrimp.

(3) A coastal spot shrimp experimental fishery permit will be issued only to a natural person who:

(a) Held such a permit the previous year; and

(b) Can demonstrate by valid Washington fish receiving tickets that at least 1,000 cumulative round weight pounds of spot shrimp taken from waters of the Pacific Ocean adjacent to the state of Washington were landed from the person's designated vessel or vessels during the previous two calendar years. Landings of spot shrimp reported as "tails" on fish receiving tickets will be converted to round pounds by multiplying the reported weight of tails by two.

(4) Coastal spot shrimp experimental fishery permits may be revoked by the director, and future permits denied by the director, for failure to comply with conditions specified in the permits or violations of other fishing regulations. A coastal spot shrimp experimental fishery permit will not be renewed if the emerging commercial fishery license is revoked or future fishing privileges of the licensee are suspended.

(5) The director may issue a coastal spot shrimp experimental fishery permit to another person if a permittee fails to make the requisite landings, if the person's experimental coastal spot shrimp experimental fishery permit is revoked, or if no application for an emerging commercial fishery license is received by March 31st of each year. The total number of permits issued, including replacement permits, shall not exceed fifteen. Selection of persons to receive replacement permits shall be by gear or gear replacement type, and replacement permits will be offered in descending order first to persons who made the largest total of Washington coastal spot shrimp landings in each gear type during the original qualifying period, and then in descending order to persons who made the largest total of Washington coastal spot shrimp landings in each gear type. If no persons with coastal spot shrimp landings wish to participate, the director may offer a replacement permit by random drawing.

(6) Coastal spot shrimp experimental fishery permits are only valid for the year issued and expire on December 31st of the year issued with the expiration of the emerging commercial fishery license.

(7) The total allowable catch of spot shrimp taken from Washington territorial waters west of the Bonilla-Tatoosh line and from adjacent waters of the Pacific Ocean during a calendar year is 250,000 pounds round weight provided that not more than 100,000 pounds may be taken south of 47°04.00' N. latitude.

(8) Beginning January 1, 2003, through December 31, 2005, the allowable catch shall be allocated as follows: 175,000 pounds available to all permit holders and 75,000 pounds available to fishers who were converted from trawl to pot permits. Beginning January 1, 2006, the allowable catch is available to all permit holders.

(9) Vessel restriction: A coastal spot shrimp experimental fishery permit will not be issued to a person who designates a vessel greater than ten feet longer than the vessel designated as of March 31, 2003, provided that if the vessel designated as of March 31, 2003, is ten or more feet greater than the vessel used by the person to initially qualify for a coastal spot shrimp experimental fishery permit, the person may not designate a vessel greater in length than the vessel designated as of March 31, 2003.

(10) Incidental catch:

(a) It is unlawful to retain more than 50 pounds round weight of other shrimp species. It is lawful to retain octopus and squid.

(b) It is unlawful to retain salmon.

(c) It is unlawful to retain any bottomfish species except as provided for in WAC 220-44-050.

[Statutory Authority: RCW 77.12.047. 03-17-007 (Order 03-187), § 220-88B-030, filed 8/7/03, effective 9/7/03; 02-02-050 (Order 01-287), § 220-88B-030, filed 12/27/01, effective 1/27/02; 00-17-107 (Order 00-152), § 220-88B-030, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 75.08.080. 99-01-154 (Order 98-257), § 220-88B-030, filed 12/22/98, effective 1/22/99.]

WAC 220-88B-050 Repealed. See Disposition Table at beginning of this chapter.

Chapter 220-88C WAC
COASTAL PILCHARD FISHERY

WAC

220-88C-020 Designation of the coastal pilchard fishery as an emerging commercial fishery.
220-88C-030 Eligibility to participate in the coastal pilchard fishery.
220-88C-040 Coastal pilchard fishery—Seasons and lawful catch.
220-88C-050 Coastal pilchard fishery—Observer and sampler coverage, logbook requirements.

WAC 220-88C-020 Designation of the coastal pilchard fishery as an emerging commercial fishery. (1) The director designates the coastal pilchard fishery as an emerging commercial fishery for which use of a vessel is required. It is unlawful for any person to fish for, possess, or deliver pilchard taken from Washington waters west of the Bonilla-Tatoosh line or from the waters of the Exclusive Economic Zone unless the fisher has a valid emerging commercial fishery license and a valid coastal pilchard experimental fishery permit, or except as otherwise provided.

(2) The following fishery licenses may not be used to take pilchard from Washington waters west of the Bonilla-Tatoosh line or from the waters of the Exclusive Economic Zone: Baitfish lampara; baitfish purse seine; Columbia River smelt; food fish trawl—non-Puget Sound; herring dip bag net; herring gill net; herring lampara; herring purse seine; smelt dip bag net; smelt gill net, except as provided for in chapter 220-44 WAC.

(3) Pilchard taken from Washington waters west of the Bonilla-Tatoosh line or from the waters of the Exclusive Economic Zone may not be delivered into a Washington port under a nonlimited entry delivery license, and may not be delivered under the licenses provided for in RCW 77.65.210.

[Statutory Authority: RCW 77.12.047. 03-13-002 (Order 03-111), § 220-88C-020, filed 6/4/03, effective 7/5/03; 01-07-016 (Order 01-36), § 220-88C-020, filed 3/13/01, effective 4/13/01.]

WAC 220-88C-030 Eligibility to participate in the coastal pilchard fishery. (1) For 2003, a coastal pilchard experimental fishery permit will be issued only to a person who:

(a) Can demonstrate by valid Washington fish receiving tickets that at least forty metric tons cumulative weight of pilchard taken from Pacific Ocean waters were landed under the person's emerging commercial fishery license during the previous three calendar years (2000, 2001, and 2002) or can demonstrate by valid Washington fish receiving tickets that pilchard were landed under the person's emerging commercial fishery license during two of the three calendar years (2000, 2001, or 2003);

(b) Has purchased an emerging commercial fisheries license by July 1, 2003; and

(c) As of July 1, 2003, has no outstanding observer fees owed to the department for the 2000, 2001, or 2002 coastal pilchard trial fisheries.

(2) Beginning 2004, a coastal pilchard experimental fishery permit will be issued only to a natural person who:

(a) Held such a permit the previous year;

(b) Has purchased an emerging commercial fisheries license by April 1st; and

(c) As of April 1st has no outstanding observer fees owed to the department.

(3) Beginning 2005, a coastal pilchard experimental fishery permit will be issued only to a natural person who:

(a) Held such a permit the previous year;

(b) Can demonstrate by valid Washington fish receiving tickets that at least forty metric tons cumulative weight of pilchard taken from Pacific Ocean waters were landed under the person's emerging commercial fishery license during the previous two calendar years;

(c) Has purchased an emerging commercial fisheries license by April 1st; and

(d) As of April 1st of each licensing year has no outstanding observer fees owed to the department.

(4) Coastal pilchard experimental fishery permits may be revoked by the director, and future permits denied by the director, for failure to comply with conditions specified in the permits or violation of other commercial fishing rules, and shall be revoked if the emerging commercial fishery license is suspended. A coastal pilchard experimental fishery permit will not be renewed if the emerging commercial fishery license is revoked or future fishing privileges of the licensee are suspended.

(5) If less than twenty permits are issued to persons who meet the permit renewal requirements specified in subsections (2) and (3) of this section, the director may offer replacement permits, provided that:

(a) The total number of permits issued by the director, including replacement permits, shall not exceed twenty-five.

(b) Replacement permits shall be issued to persons who had landed a minimum of five metric tons (cumulative round weight) of pilchard taken from Pacific Ocean waters in 2000, 2001, and 2002, by random drawing.

(c) If less than twenty permits are issued to persons who meet the minimum landing requirements specified in (b) of this subsection, the director may offer a replacement permit by random drawing.

(6) Coastal pilchard experimental fishery permits are only valid for the year issued and expire on December 31st of the year issued with the expiration of the emerging commercial fishery license.

(7) Permit holders must designate a vessel to be used in the coastal pilchard emerging commercial fishery by May 31 of each year. Permit holders may not change vessel designation between June 1 and October 31, except in an emergency and then only if allowed by the director.

[Statutory Authority: RCW 77.12.047. 03-13-002 (Order 03-111), § 220-88C-030, filed 6/4/03, effective 7/5/03; 01-07-016 (Order 01-36), § 220-88C-030, filed 3/13/01, effective 4/13/01.]

WAC 220-88C-040 Coastal pilchard fishery—Seasons and lawful catch. (1) The coastal pilchard fishery season is open to purse seine fishing May 15 through October 31 only. Fishing under an experimental commercial fishery permit for pilchard is closed within three miles of shore.

(2) It is unlawful to retain any species taken incidental to pilchard in the coastal pilchard fishery except anchovy, mackerel, and squid. Incidental landings of Pacific mackerel cannot exceed forty-five percent, by weight, of the total landing. Any salmon encircled in the purse seine must be released prior to completion of the set, and no salmon may be landed on the fishing vessel.

(3) The transfer of catch from one vessel to another is prohibited.

(4) Legal purse seine gear must be aboard the vessel making the landing.

(5) Pilchard landings must be delivered to a shoreside processing facility.

[Statutory Authority: RCW 77.12.047. 03-13-002 (Order 03-111), § 220-88C-040, filed 6/4/03, effective 7/5/03; 01-07-016 (Order 01-36), § 220-88C-040, filed 3/13/01, effective 4/13/01.]

WAC 220-88C-050 Coastal pilchard fishery—Observer and sampler coverage, logbook requirements. (1) As a condition of the experimental commercial fishery permit, participants in the coastal pilchard fishery are required to have on-board observers for any pilchard fishing effort, and are required to have observer coverage for one-half of the vessel trips. Fishers may elect to use either department-provided observers, or National Marine Fisheries-certified observers, but must notify the department of their irrevokable decision on which type of observer to use at least 48 hours before their first pilchard fishing trip of the season. NMFS-certified observers must have completed a department training session. Department-provided observer coverage will be made available to fishers who agree to reimburse the department at a rate of $100 per landing, whether or not the vessel trip was observed. Payment for department-provided observer coverage is due by the tenth day of the following month for the previous month's landings, and failure to make timely payment will result in revocation of the experimental commercial fishery permit.

(2) In order to allow sufficient time for observer coverage and sampling efforts, fishers must notify the department's sardine hotline during normal business hours at least 48 hours before the first vessel trip and at least 24 hours before each subsequent trip. Fishers must provide name and contact phone number, time and location of departure, and estimated time and location of landing. Up to 500 sardine per vessel trip may be retained by WDFW samplers for biological information.

(3) All persons who obtain an experimental commercial fishery permit for the coastal pilchard fishery must complete a department-issued logbook, and the logbook is required to be returned to the department by November 15th of the year of issuance. Failure to submit the logbook will cause the person to be ineligible for a permit in the following season.

[Statutory Authority: RCW 77.12.047. 03-13-002 (Order 03-111), § 220-88C-050, filed 6/4/03, effective 7/5/03; 01-07-016 (Order 01-36), § 220-88C-050, filed 3/13/01, effective 4/13/01.]

Chapter 220-100 WAC
STATE ENVIRONMENTAL POLICY ACT RULES

WAC

220-100-010 Definitions.
220-100-020 Impact of SEPA on the department.
220-100-027 Critical areas.
220-100-030 Purpose.
220-100-040 Scope and coverage of this chapter.
220-100-045 Agency policy—Substantive authority and mitigation.
220-100-055 Timing of the SEPA process.
220-100-057 Threshold levels adopted by local governments.
220-100-058 Notice/statute of limitations.
220-100-060 Summary of information which may be required of a private applicant.
220-100-065 Assumption of lead agency status.
220-100-068 Formal administrative appeal of department environmental determinations.
220-100-070 Designation of responsible official.
220-100-075 Mitigated DNS.
220-100-080 SEPA public information center.
220-100-095 Public notice.

WAC 220-100-010 Definitions. (1) The definitions of the words and terms of WAC 197-11-700 through 197-11-730 and WAC 197-11-734 through 197-11-799 are made a part of this chapter.

(2) "Environmental document" means any written public document prepared under chapter 197-11 WAC, including department comment letters addressing a SEPA threshold determination or an environmental impact statement (EIS), or supplemental EIS (SEIS).

(3) "Department" means the Washington department of fish and wildlife unless otherwise indicated.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-010, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 84-19-053 (Order 84-144), § 220-100-010, filed 9/18/84; Order 76-40, § 220-100-010, filed 5/25/76.]

WAC 220-100-020 Impact of SEPA on the department. The department fully endorses the intent and purpose of SEPA and will make every effort to implement and fulfill the intent and requirements of SEPA and the SEPA rules. The department will make every effort to implement SEPA in the best manner possible with the resources available.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-020, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 84-19-053 (Order 84-144), § 220-100-020, filed 9/18/84; 78-05-029 (Order 78-17), § 220-100-020, filed 4/17/78; Order 76-40, § 220-100-020, filed 5/25/76.]

WAC 220-100-027 Critical areas. During threshold determination and in determining whether a proposal is exempt from SEPA, the department shall give due consideration to a local government's critical area categorical exemption designations made by local governments under WAC 197-11-908.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-027, filed 4/30/03, effective 5/31/03.]

WAC 220-100-030 Purpose. (1) The purpose of this chapter is to implement chapter 197-11 WAC, SEPA rules, as applicable to the department.

(2) These policies and procedures are developed to implement SEPA in a manner which reduces duplication, establishes effective and uniform rules, encourages public involvement, and promotes certainty with respect to the requirements of the act.

(3) These policies and procedures are not intended to cover compliance by the department with respect to the National Environmental Policy Act of 1969 (NEPA). In those situations where the department is required by federal law or regulations to perform some element of compliance with NEPA, compliance will be governed by the applicable federal statute and regulations.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-030, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 84-19-053 (Order 84-144), § 220-100-030, filed 9/18/84; Order 76-40, § 220-100-030, filed 5/25/76.]

WAC 220-100-040 Scope and coverage of this chapter. (1) It is the intent of the department that compliance with this chapter shall constitute complete procedural compliance with SEPA for all actions as defined in WAC 197-11-704.

(2) This chapter applies to all department actions as defined in WAC 197-11-704.

(3) To the fullest extent possible, the department shall integrate procedures required by this chapter with existing planning and licensing procedures. These procedures should be initiated early, and undertaken in conjunction with other governmental operations to avoid lengthy time delays and unnecessary duplication of effort.

(4) To the fullest extent possible, the department shall:

(a) Prepare environmental documents that are concise, clear, and to the point, and that are supported by evidence that the necessary environmental analyses have been made.

(b) Find ways to make the SEPA process more useful to decision makers and the public.

(c) Reduce unnecessary paperwork and the accumulation of extraneous background data.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-040, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 84-19-053 (Order 84-144), § 220-100-040, filed 9/18/84; 78-05-029 (Order 78-17), § 220-100-040, filed 4/17/78; Order 76-40, § 220-100-040, filed 5/25/76.]

WAC 220-100-045 Agency policy—Substantive authority and mitigation. (1) The policy of the department is to avoid or mitigate adverse environmental impacts that may result from department actions. This policy results from:

(a) The legislated duties of the department with respect to fish and wildlife; and

(b) Recognition of the fact that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment (RCW 43.21C.020(31)).

(2) If an action is subject to SEPA, and the proposed activity requires a permit from the department, and is reasonably likely to have an adverse environmental impact as identified in an environmental document, the department may:

(a) Require reasonable alternatives to the action and/or proven measures which will mitigate or eliminate the identified potential adverse impact, and make such alternatives and/or proven mitigation measures conditions of the department's approval; or

(b) Deny the proposal if significant adverse impacts as identified in a final or supplemental environmental impact statement prepared under chapter 197-11 WAC are not satisfactorily avoided or mitigated by proven techniques.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-045, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 84-19-053 (Order 84-144), § 220-100-045, filed 9/18/84; 78-05-029 (Order 78-17), § 220-100-045, filed 4/17/78.]

WAC 220-100-055 Timing of the SEPA process. (1) When another agency is the lead agency, the department's environmental review process will normally begin upon receipt of a determination of nonsignificance (DNS), determination of significance (DS), scoping notice, or draft environmental impact statement (DEIS). When the department is the lead agency for nonagency actions, review will normally begin upon receipt of a complete permit application and a complete environmental checklist. The department typically requests plans and a location map, pursuant to WAC 197-11-100. The applicant may choose to submit this information with the checklist so that review may proceed expeditiously. For department actions, environmental review will normally begin when the proposed action is sufficiently developed to allow preliminary decisions.

(2) Upon written request of an applicant, preliminary environmental review will be conducted prior to receipt of detailed project plans and specifications. In such instances, the applicant shall submit information judged by the department to be sufficient to make a preliminary review.

(3) The preliminary review will be advisory only and not binding upon the department. Final review and determination will be made only upon receipt of detailed project plans and specifications. The department will make a determination within ninety days after the application and supporting documents are complete pursuant to RCW 43.21C.033.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-055, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 84-19-053 (Order 84-144), § 220-100-055, filed 9/18/84.]

WAC 220-100-057 Threshold levels adopted by local governments. During threshold determination and in determining whether a proposal is exempt from SEPA, the department shall give due consideration to exempt levels adopted by local governments under WAC 197-11-800.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-057, filed 4/30/03, effective 5/31/03.]

WAC 220-100-058 Notice/statute of limitations. (1) The department, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080.

(2) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the department, applicant, or proponent pursuant to RCW 43.21C.080.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-058, filed 4/30/03, effective 5/31/03.]

WAC 220-100-060 Summary of information which may be required of a private applicant. (1) The applicant for each proposal for which the department is the lead agency shall submit a complete environmental checklist along with a complete application for the required approval.

(2) After review of the environmental checklist, the department may require the applicant to submit additional information necessary to properly evaluate the potential environmental impacts of the project. Field investigation or research may be required of the applicant or conducted by the department at the applicant's cost.

(3) Preparation of EISs is the responsibility of the department's environmental services division. The responsible official shall be satisfied that all EISs issued by the department are in compliance with these rules and chapter 197-11 WAC.

(4) Whenever someone other than the department prepares an EIS the responsible official shall:

(a) Coordinate scoping to insure that the individual preparing the document receives all substantive information submitted by any agency or person.

(b) Direct the areas of research and study to be undertaken and the content and organization of the document.

(c) Assist in obtaining information on file with another agency that is needed by the person preparing the document.

(5) The responsible official may not require more information of a private applicant than allowed by these rules as supplemented and required by chapter 197-11 WAC.

(6) An EIS is required for each project for which a determination is made that the proposal will have a probable significant adverse impact on the environment. The applicant may prepare the EIS if judged by the department to be qualified, have the department develop the EIS, or hire a consultant to do so. In any case, the EIS shall be prepared under the direction of the responsible official at the expense of the applicant and final approval is that of the responsible official. Cost of preparing the EIS shall be paid by the applicant and shall include fees of the consultant, the department consultation time and cost of any required materials. If the applicant chooses to hire a consultant to prepare the EIS, the consultant must be mutually agreed upon by the applicant and the department. A performance bond in an amount specified by the department may be required of the applicant to ensure payment of the department expenses pursuant to WAC 197-11-914. Private applicants are encouraged to be involved in the EIS preparation process.

(7) A supplemental EIS shall be prepared as an addition to the EIS if the department decides that:

(a) There are substantial changes to a proposal which will have a probable significant adverse environmental impact; or

(b) There is significant new information relative to the probable significant environmental impact of a proposal.

(c) Pursuant to WAC 197-11-600 (3)(c), written comments on the DEIS warrant additional discussion for purposes of its action than that found in the FEIS.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-060, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 84-19-053 (Order 84-144), § 220-100-060, filed 9/18/84; 78-05-029 (Order 78-17), § 220-100-060, filed 4/17/78; Order 76-40, § 220-100-060, filed 5/25/76.]

WAC 220-100-065 Assumption of lead agency status. (1) Whenever the department is an agency of jurisdiction and determines that a DNS issued by another lead agency is inappropriate and that the proposal in question could cause significant harm to the resources under its jurisdiction, the department may assume lead agency status per WAC 197-11-948.

(2) Within ten days of assuming lead agency status, the department will notify the proponent of the proposal in writing as to the reasons for its assumption of lead agency status.

(3) Prior to preparation of an EIS for the proposal, the department will consult with the proponent and give the proponent an opportunity to modify or change the proposal in such a way that an EIS may not be necessary as outlined in WAC 197-11-360(4).

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-065, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 84-19-053 (Order 84-144), § 220-100-065, filed 9/18/84.]

WAC 220-100-068 Formal administrative appeal of department environmental determinations. (1) A person aggrieved by the department's environmental determination is entitled to an opportunity for hearing, pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

(2) To obtain a hearing, a written request must be filed with the department. The mailing address is: Washington Department of Fish and Wildlife, Habitat Program, 600 Capitol Way North, Olympia, WA 98501-1091. Requests must be filed within thirty days of the department's decision.

(3) The request must be plainly labeled, "request for a formal administrative appeal" and must state within the body of the letter:

(a) The name, address, and phone number of the person requesting the appeal;

(b) The specific agency action that the person contests;

(c) Whether the person is the proponent of the proposal or other basis for interest in the agency action in question;

(d) The date of the SEPA determination;

(e) The attorney's name, address, and phone number, if the person is represented by legal counsel.

(4) The appeal may be conducted by the director, the director's designee, or by an administrative law judge (ALJ) appointed by the office of administrative hearings. If conducted by an ALJ, the ALJ shall issue an initial order pursuant to RCW 34.05.461. The director or the director's designee shall review the initial order and enter a final order as provided by RCW 34.05.464. All hearings conducted by the director, the director's designee, or an ALJ pursuant to this subsection shall comply with the Administrative Procedure Act and the model rules of procedure, chapter 10-08 WAC.

(5) For additional information on appeal procedures, reference should be made to WAC 197-11-680 (3)(a).

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-068, filed 4/30/03, effective 5/31/03.]

WAC 220-100-070 Designation of responsible official. Under normal circumstances, the responsible official is the SEPA/NEPA coordinator or the habitat program's designee. The responsible official shall carry out duties and functions for the purpose of assuring the department's compliance with SEPA and SEPA rules. The responsible official may delegate duties and functions assigned under this chapter and chapter 197-11 WAC. When significant involvements of the department converge at a level higher than the SEPA/NEPA coordinator, the director or the director's designee may be assigned the role of responsible official.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-070, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 84-19-053 (Order 84-144), § 220-100-070, filed 9/18/84; Order 76-40, § 220-100-070, filed 5/25/76.]

WAC 220-100-075 Mitigated DNS. (1) An applicant may ask the department whether issuance of a DS is likely for a proposal. This request for early notice must:

(a) Be written;

(b) Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and

(c) Precede the department's actual threshold determination for the proposal.

(2) The responsible official shall respond to the request within twenty working days of receipt of the letter; the response shall:

(a) Be written;

(b) State whether the department is considering issuance of a DS;

(c) Indicate the general or specific area(s) of concern that led the department to consider a DS; and

(d) State that the applicant may change or clarify the proposal to mitigate the impacts indicated in the letter, revising the environmental checklist as necessary to reflect the changes or clarifications.

(3) The department shall not continue with the threshold determination until receiving a written response from the applicant changing or clarifying the proposal or asking that the threshold determination be based on the original proposal.

(4) If the applicant submits a changed or clarified proposal, along with a revised environmental checklist, the department will make its threshold determination based on the changed or clarified proposal. The application is not complete until the applicant responds to subsection (3) of this section.

(a) If the department response to the request for early notice indicated specific mitigation measures that would remove all probable significant adverse environmental impacts, and the applicant changes or clarifies the proposal to include all of those specific mitigation measures, the department shall issue a DNS and circulate the DNS for comments as in WAC 197-11-340(2).

(b) If the department indicated general or specific areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the department shall determine if the changed or clarified proposal may have a probable significant environmental impact, issuing a DNS or DS as appropriate.

(5) The department may specify mitigation measures that would allow it to issue a DNS without a request for early notice from an applicant. If it does so, and the applicant changes or clarifies the proposal to include those measures, the department shall issue a DNS and circulate it for review under WAC 197-11-340(2).

(6) When an applicant changes or clarifies the proposal, the clarifications or changes may be included in written attachments to the documents already submitted. If the environmental checklist and supporting documents would be difficult to read and/or understand because of the need to read them in conjunction with the attachment(s), the department may require the applicant to submit a new checklist.

(7) The department may change or clarify features of its own proposals before making the threshold determination.

(8) The department's written response under subsection (2) of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarification of or changes to a proposal, as opposed to a written request for early notice, shall not bind the department to consider the clarification or changes in the threshold determination.

(9) When an applicant submits a changed or clarified proposal pursuant to this section, it shall be considered part of the applicant's application for a permit or other approval for all purposes. Unless the department's decision expressly states otherwise, when a mitigated DNS is issued for a proposal, any decision approving the proposal shall be based on the proposal as changed or clarified pursuant to this section.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-075, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 84-19-053 (Order 84-144), § 220-100-075, filed 9/18/84.]

WAC 220-100-080 SEPA public information center. The department designates the environmental services division of the habitat program as its SEPA public information center. The mailing address is SEPA Coordinator, 600 Capitol Way North, Olympia, Washington 98501-1091.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-080, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 84-19-053 (Order 84-144), § 220-100-080, filed 9/18/84; 78-05-029 (Order 78-17), § 220-100-080, filed 4/17/78; Order 76-40, § 220-100-080, filed 5/25/76.]

WAC 220-100-095 Public notice. (1) When required under chapter 197-11 WAC, the department will give public notice by one or more of the following methods as appropriate for the specific circumstances:

(a) Notifying public and private groups and agencies with known interest in a certain proposal or in the type of proposals being considered;

(b) Notifying individuals with known interest in a certain proposal or in the type of proposal being considered;

(c) Publication in a newspaper of general circulation in the city, county or general area where the proposal will be implemented;

(d) Posting the property for site specific proposals;

(e) Notifying the news media; and/or

(f) Publishing notice on the department's internet site.

(2) Whenever possible, the department shall integrate these public notice requirements with existing notice procedures, including publication in the SEPA Register, for any department or commission permits or approvals required for the proposal.

(3) The department may require an applicant to complete the public notice requirements for the applicant's proposal at the applicant's expense.

[Statutory Authority: RCW 77.12.047. 03-10-038 (Order 03-83), § 220-100-095, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. 84-19-053 (Order 84-144), § 220-100-095, filed 9/18/84.]

Chapter 220-130 WAC

VOLUNTEER COOPERATIVE FISH AND WILDLIFE ENHANCEMENT PROGRAM

WAC

220-130-040 Review and selection process.
220-130-080 Project recovery of reimbursable expenses.

WAC 220-130-040 Review and selection process. (1) The application method is on application forms provided by the department specifically for this purpose. Application forms will be available by request from the Olympia headquarters and at all regional offices of the department.

(2) Applications for projects will be accepted each year during the open application period of January 2 through March 31.

(a) Applications accepted prior to the start of a biennium may be for project funding for one or both years of the ensuing biennium.

(b) Applications accepted during the first year of a biennium will be for project funding in the second year of a biennium.

(3) The funding decision deadline is May 31 of the year of application.

(4) Exceptions to the funding deadline dates will only be allowed in the event of applications for volunteer projects which are responsive to an emergency situation which may arise and which has been declared to be an emergency by the director.

(5) The department will send each applicant, within forty-five days of receipt of each application, a written acknowledgment of the receipt of the application and give the applicant an estimated date when notification of acceptance or rejection of the proposal can be expected. The written acknowledgment will also provide the department's selection criteria and a general description of the review and selection process. Final decisions and notification of acceptance or rejection of proposals where funding is requested will be made only after the biennial budget is passed by the legislature and signed by the governor.

(6) The department will determine when a proposed project might affect the management programs of federal, other state, and local agencies and of treaty tribes and will make contact with these entities, when the department determines that it is appropriate to do so, during the review and selection process. If the department determines that ongoing coordination between a volunteer group and another agency or tribe would be appropriate, it may be required as a condition of the agreement, when issued.

(7) The department may provide suggested modifications to the proposal which would increase its likelihood of approval together with the name and telephone number of the person within the department responsible for monitoring the review of the proposal.

[Statutory Authority: RCW 77.12.047. 04-01-055 (Order 03-306), § 220-130-040, filed 12/11/03, effective 1/11/04. Statutory Authority: RCW 75.08.080. 00-02-048 (Order 99-235), § 220-130-040, filed 12/30/99, effective 1/30/00. Statutory Authority: RCW 75.08.080 and 75.52.050. 99-11-004 (Order 99-44), § 220-130-040, filed 5/6/99, effective 6/6/99. Statutory Authority: RCW 75.08.080. 85-04-045 (Order 85-07), § 220-130-040, filed 2/1/85.]

WAC 220-130-080 Project recovery of reimbursable expenses. Cooperative projects which rear salmon have the potential for generating income from the sale of surplus salmon carcasses and eggs derived from fishes produced at those projects, and to which salmon return to spawn at the end of their life cycle. If the department determines that it is appropriate to do so, such cooperative projects may, under the guidance of the department and by administrative rules and guidelines established for this purpose, recover some of the cooperative projects operating costs through the sale of nonviable salmon eggs and carcasses. It is understood that the primary objective of this provision is not to establish projects which constitute fish farms, but to allow those projects which may generate surplus fish which elude sport, commercial or tribal fisheries to sell the resulting surplus to help defray the cost of the particular cooperative project.

(1) In order for a project to recover reimbursable expenses, the project must have an annual budget presubmitted and approved by the department. The budget must generally show expected expenses, including the names of all persons expected to draw salaries as hired labor.

(2) Under administrative rules developed for this purpose, the cooperative project may sell nonviable salmon eggs and carcasses by soliciting competitive bids from approved buyers, as determined by the department.

(3) Volunteer cooperative project surplus salmon eggs shall be sold as prescribed by chapter 220-74 WAC, Surplus salmon eggs.

(4) All moneys generated by such sales shall be paid to the department and placed into a special account used solely to fund the reimbursable expenses of the cooperative project which generated the funds.

(5) In order to utilize the funds generated by such sales, a cooperative project must submit a list of expenses accompanied by original invoices, including signed time sheets for hired labor salary expenses, which clearly shows that the expenses relate to the presubmitted budget for the project which comply with all accounting and contract requirements.

(6) Reimbursable expenses shall be limited to the actual annual operating expenses of the project. No profit may be realized by the project, and no moneys shall apply to amortization or depreciation.

(7) Viable surplus salmon eggs may not be sold, bartered, exchanged or disposed of by any volunteer group.

(8) Surplus salmon carcass sales may not be allowed if the department determines that they would be more appropriately utilized to reseed streams in an effort to restore or enhance habitat through nutrient enrichment.

[Statutory Authority: RCW 77.12.047. 04-01-055 (Order 03-306), § 220-130-080, filed 12/11/03, effective 1/11/04. Statutory Authority: RCW 75.08.080 and 75.52.050. 99-11-004 (Order 99-44), § 220-130-080, filed 5/6/99, effective 6/6/99.]

Title 222 WAC

FOREST PRACTICES BOARD

Chapters

222-21 Small forest landowner forestry riparian easement program.

Chapter 222-21 WAC

SMALL FOREST LANDOWNER FORESTRY RIPARIAN EASEMENT PROGRAM

WAC

222-21-010 Definitions.
222-21-030 Document standards.
222-21-035 Description of easement.
222-21-040 Timber cruises.
222-21-045 Valuation.
222-21-050 Payment of compensation.

WAC 222-21-010 Definitions. The following definitions apply to this chapter:

(1) **"Commercially reasonable harvest unit"** means a harvest area that meets the requirements of WAC 222-21-060.

(2) **"Completion of harvest"** means that the trees have been harvested from an area under an approved forest practices application and that further entry into that area by any type of logging or slash treating equipment or method is not expected.

(3) **"Compliance costs"** includes the cost of preparing and recording the easement, and any business and occupation tax and real estate excise tax imposed because of entering into the easement.

(4) **"Danger tree"** means any qualifying timber reasonably perceived to pose an imminent danger to life or improved property.

(5) **"Easement premises"** means the geographic area designated in a forestry riparian easement, including the areas in which qualifying timber is located. Easement premises may be categorized as follows:

(a) **Riparian area easement premises** means riparian areas and areas upon which qualifying timber associated with riparian areas are located.

(b) **Other easement premises** means areas of land required to be left unharvested under rules adopted under RCW 76.09.055 or 76.09.370 including areas upon which other qualifying timber outside riparian areas is located and areas of land upon which uneconomic qualifying timber is located.

(6) **"Forestry riparian easement"** means an easement covering qualifying timber granted voluntarily to the state by a small forest landowner.

(7) **"Hazardous substances"** means hazardous substances as defined in RCW 70.102.010(5), and 70.105D.020 (7), and solid waste as defined in RCW 70.95.030(22).

(8) **"High impact regulatory threshold"** means the threshold where the value of qualifying timber is greater than 19.1% (for timber in Western Washington) or 12.2% (for timber in Eastern Washington) of the value of the harvested timber and qualifying timber under the approved forest practices application covering the qualifying timber.

(9) **"Qualifying timber"** means those trees covered by a forest practices application that the small forest landowner is required to leave unharvested under rules adopted under RCW 76.09.055 or 76.09.370 or that are made uneconomic to harvest by those rules, and for which the small forest landowner is willing to grant the state a forestry riparian easement. Qualifying timber is timber within or bordering a commercially reasonable harvest unit, or timber for which an approved forest practices application for timber harvest cannot be obtained because of restrictions under these rules. Qualifying timber is categorized as follows:

(a) **Permanent qualifying timber** includes trees that shall not be harvested or damaged or removed from the easement premises during the term of the easement.

(i) Where permanent qualifying timber is in areas in which no harvest may take place, the easement shall describe the boundaries of the areas. No harvest of any tree within this area shall take place during the term of the easement.

(ii) Where permanent qualifying timber is located in areas in which selective harvest may take place, the permanent qualifying timber must be tagged for the duration of the easement.

(b) **Reserve qualifying timber** includes trees that may be harvested and removed but only in compliance with the terms of the easement. Reserve qualifying timber shall be identified separately from the permanent qualifying timber.

(c) **Replacement qualifying timber** includes trees which, in the future, will be substituted for the reserve qualifying timber before the reserve qualifying timber may be harvested or removed from the property. Replacement qualifying timber will be selected from time to time pursuant to the provisions of the easement and will be subject to the terms and protections of the easement.

(d) **Uneconomic qualifying timber** includes trees made uneconomical to harvest. The trees are considered permanent qualifying timber and may not be harvested or otherwise damaged during the term of the easement.

(e) **Other qualifying timber outside riparian areas** includes trees that may not be harvested under forest practices rules adopted under RCW 76.09.055 or 76.09.370 for reasons other than protection of riparian functions. It includes without limitation trees that are unharvestable because of public safety concerns. The trees are considered permanent qualifying timber and may not be harvested or otherwise damaged during the term of the easement.

(10) **"Reimbursement"** means the repayment that the department shall provide to small forest landowners for the actual costs incurred for laying out the streamside buffers and marking the qualifying timber once a contract has been executed for the forestry riparian easement program.

(11) **"Riparian areas"** include the areas designated in a forestry riparian easement. Riparian areas include without limitation all riparian and other special management zones required by the forest practices rules for protection of aquatic resources and includes associated qualifying timber.

(12) **"Riparian function"** includes bank stability, recruitment of woody debris, leaf litter fall, nutrients, sediment filtering, shade, and other riparian features that are important to both riparian forest and aquatic systems conditions.

(13) **"Small forest landowner"** means:

(a) A forest landowner meeting all of the following characteristics as of the date a forest practices application is received (see WAC 222-20-010(8)), or the date the landowner provides written notification to the small forest landowner office that the harvest is to begin, for which the forestry riparian easement is associated:

(i) Is an individual, partnership, corporate, or other nongovernmental legal entity. If a landowner grants timber rights to another entity for less than five years, the landowner may still qualify as a small forest landowner under this section;

(ii) Has a fee interest in the land and timber or has rights to harvest the timber to be included in the forestry riparian easement that extend at least fifty years from the date the forest practices application associated with the easement is received;

(iii) Has harvested from its own lands in this state during the three years prior to the year of application an average tim-

ber volume that would qualify the forest landowner as a small harvester under RCW 84.33.035(14); and

(iv) Certifies at the time the forest practices application is received that it does not expect to harvest from its own lands more than the volume allowed by RCW 84.33.035(14) during the ten years following receipt of the application.

(b) A forest landowner whose prior three-year average harvest exceeds the limit of RCW 84.33.035(14), or who expects to exceed this limit during the ten years following receipt of the forest practices application, may still qualify as a small forest landowner if that landowner establishes to the small forest landowner office reasonable satisfaction that the harvest limits were or will be exceeded to raise funds to pay estate taxes or equally compelling and unexpected obligations such as court-ordered judgments or extraordinary medical expenses. (Note: The small forest landowner office will establish a board manual governing these exceptions.)

(c) A landowner may still qualify as a small forest landowner if the landowner is unable to obtain an approved forest practices application for timber harvest for any of his or her land because of restrictions under the forest practices rules adopted under RCW 76.09.055 or 76.09.370.

(14) **"Small forest landowner office"** is an office within the department described in RCW 76.13.110, and it shall be a resource and focal point for small landowner concerns and policies and shall have significant expertise regarding the management of small forest holdings and government programs applicable to such holdings, and the forestry riparian easement program.

(15) **"Uneconomic to harvest"** means that a harvest area meets the requirements of WAC 222-21-065.

[Statutory Authority: RCW 76.09.040, 76.09.370, chapters 76.13 and 34.05 RCW. 03-06-039, § 222-21-010, filed 2/26/03, effective 3/29/03. Statutory Authority: RCW 76.09.040, chapters 76.13, 34.05 RCW. 02-05-084, § 222-21-010, filed 2/20/02, effective 3/23/02. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). 01-12-042, § 222-21-010, filed 5/30/01, effective 7/1/01.]

WAC 222-21-030 Document standards. (1) **Riparian easement.** The riparian easement document must be substantially in the following form, but may be modified by the small forest landowner office wherever necessary to accomplish the purposes of RCW 76.13.120.

(This version assumes ownership of land and trees)

FORESTRY RIPARIAN EASEMENT

THIS GRANT OF A FORESTRY RIPARIAN EASEMENT is made on this _____ day of _____, 20___, by *[a _____ corporation, limited liability company, partnership, limited partnership, limited liability partnership] [husband and wife] [individual][or others as appropriate]* having an address at ("Grantor"), to and in favor of the State of Washington, acting by and through the Department of Natural Resources ("Grantee").

1.0 RECITALS AND PURPOSE

1.1 This Easement is intended to implement the goals of the Forest Practices Salmon Recovery Act, ESHB 2091, sections 501 through 504, chapter 4, Laws of 1999 ("Salmon Recovery Act"). The goals include avoiding the further erosion of the small forest landowners' economic viability and willingness or ability to keep the lands in forestry use which would reduce the amount of habitat available for salmon recovery and conservation of other aquatic resources, through the establishment of a forestry riparian easement program to acquire easements from small forest landowners along riparian and other areas of value to the state for protection of aquatic resources.

1.2 This Easement is intended to protect the Qualifying Timber and riparian functions associated with the qualifying timber located on the Easement Premises as provided by the terms of this Easement as set forth in Exhibit B while preserving all lawful uses of the Easement Premises by Grantor consistent with the Easement objectives, and to provide Grantee with the ability to enforce the terms thereof.

1.3 The Easement Premises and Qualifying Timber are located, as described in **Exhibit A**; that the encumbrances, if any, are as set forth in **Exhibit A**; that all Exhibits referenced herein and attachments thereto are incorporated into this Easement as part of this Easement; and that the Grantor wishes to execute this Forestry Riparian Easement.

2.0 CONVEYANCE AND CONSIDERATION

2.1 In consideration of the mutual covenants contained herein, including without limitation the monetary consideration set forth in subsection 2.2 below, the Grantor does hereby voluntarily warrant and convey to the Grantee a Forestry Riparian Easement under the Salmon Recovery Act, which Easement shall remain in full force and effect from the date hereof until it expires on (month, date, year) *[50 years from the date the complete and accurate forest practices application is submitted],* which Easement shall consist of the rights and restrictions expressly set forth herein.

2.2 In consideration of this Easement, Grantee shall pay to Grantor the sum of _____ dollars ($_____.00).

IN WITNESS WHEREOF Grantor and Grantee have executed this instrument on the day and year written.

GRANTOR:

_____ Date: _____

By: _____

GRANTEE:

State of Washington

By and Through the Department of
Natural Resources

_____ Date: _____

_____
(Title)

(insert form of acknowledgement, as appropriate)

EXHIBIT A

A1 DESCRIPTION AND LOCATION OF QUALIFYING TIMBER

The Qualifying Timber includes the following categories of trees located within the Easement Premises:

[List the categories relevant to particular Easement, i.e., Permanent, Reserve, Replacement, Uneconomic, or Other Qualifying Timber.] The Qualifying Timber is located as shown in the documentation attached hereto as Attachment A-1.

A2 DESCRIPTION AND LOCATION OF EASEMENT PREMISES

The Easement Premises is *[insert description using the standards developed under Section 504(9)(b) of the Salmon Recovery Act including the categories relevant to particular Easement, i.e., Riparian Area and Other Easement Premises]* as shown in the documentation attached hereto as Attachment A-2 and is located in *[insert legal subdivision/lot, etc., in which the Easement Premises exists.]*

A3 BASELINE IDENTIFICATION, DESCRIPTION AND DOCUMENTATION OF PROPERTY, EASEMENT PREMISES AND QUALIFYING TIMBER

The parties agree that the current use, condition of the Easement Premises and the condition of the Qualifying Timber are documented in the inventory of their relevant features and identified in Attachment A-3 ("Baseline Documentation"), and that this documentation provides, collectively, an accurate representation at the time of this grant and is intended to serve as an objective information baseline for monitoring compliance with the terms of this grant.

EXHIBIT B

FORESTRY RIPARIAN EASEMENT TERMS AND CONDITIONS

B1 DEFINITIONS

The terms used in this Easement, including without limitation the following, are defined by the forest practices rules incorporated in Attachment B-1 to this Exhibit.

"Danger Tree"
"Easement Premises"
"Qualifying Timber"
"Hazard Substances"
"Riparian Areas"
"Riparian Function"

B2 RIGHTS OF GRANTEE ***[Subsection B2.4 should be included only for multiple entry Easements.]***

To accomplish the purposes of this Easement, the following rights are conveyed to Grantee by this Easement:

B2.1 To enforce the terms of this Easement as provided in subsection **B9.**

B2.2 To enter upon the Easement Premises, or to allow Grantee's agents or any experts consulted by Grantee in exercising its rights under this Easement to enter upon the Easement Premises in order to evaluate Grantor's compliance with this Easement, and to otherwise enforce the terms of this Easement.

B2.3 To convey, assign, or otherwise transfer Grantee's interests herein to another agency of the State of Washington, as provided for and limited by Section 504 of the Salmon Recovery Act.

B2.4 Where harvest of Reserve Qualifying Timber is allowed during the term of this Easement, to approve Replacement Qualifying Timber that will be protected by this Easement as provided in subsection **B3.5.**

B3 RESTRICTIONS ON GRANTOR ***[Subsection B3.6 should be included only for multiple entry Easements.]***

B3.1 Inconsistent Uses of Riparian Easement Premises

Any use of, or activity on, the Easement Premises inconsistent with the purposes and terms of this Easement, including without limitation converting to a use incompatible with growing timber, is prohibited, and Grantor acknowledges and agrees that it will not conduct, engage in, or permit any such use or activity.

B3.2 Property Outside the Easement Premises

Grantor may change its use of the property on which the Easement lies to any lawful use. Grantor shall provide Grantee sixty (60) days notice prior to changing the use of the property as a courtesy to Grantee.

B3.3 Qualifying Timber

Grantor shall not engage in any activity which would result in the cutting of Qualifying Timber or the removal of that timber from the Easement Premises, except as provided in this Easement. The parties further agree that use, harvest, and treatment of the Qualifying Timber are restricted according to the forest practices rules in Attachment B-1.

B3.4 Danger Trees and Salvage

Grantor may cut a Danger Tree, which shall be left in place within the Easement Premises or moved by Grantor inside the Easement Premises. Grantor shall notify DNR within seven (7) days that a Danger Tree has been felled. Grantor shall not engage in any activities pertaining to salvage of Qualifying Timber including without limitation blowdown except as provided for in the forest practices rules.

B3.5 Harvest of Reserve Qualifying Timber and Designation of Replacement Qualifying Timber on Riparian Area Easement Premises

Grantor shall not, during the term of this Easement, harvest or remove any Reserve Qualifying Timber except as permitted under the applicable forest practices rules. Grantor shall give Grantee at least thirty (30) days written notice prior to harvest or removal of Reserve Qualifying Timber, except that where a permit or approval is required from any governmental entity, such notice shall be given thirty (30) days before submission of the application for such permit or approval. Grantor shall mark Reserve Qualifying Timber and Replacement Qualifying Timber, where Replacement Qualifying Timber is required, for review by Grantee. Grantor's thirty (30) days written notice to Grantee is effective only after both Reserve Qualifying Timber and Replacement Qualifying Timber (if required) are marked. If Grantee does not object by giving Grantor written notice within thirty (30) days of receipt of Grantor's notice, Grantor may proceed to harvest and remove the Reserve Qualifying Timber. If Grantee does object and gives Grantor written notice thereof within thirty (30) days of receipt of Grantor's notice, Grantor shall not harvest or remove Reserve Qualifying Timber until the objection is resolved. If Reserve Qualifying Timber is to be removed but Replacement Qualifying Timber is required to be left standing for the balance of the term of this Easement, then Grantor shall mark the Replacement Qualifying Timber and, if approved by Grantee, such Timber shall be considered Qualifying Timber under this Easement. A new Exhibit A shall be prepared along with a supplement to this Easement, executed by Grantor and Grantee, and recorded.

B3.6 Multiple Entry Easements

Grantor shall not, during the term of this Easement, make multiple entry harvests except as permitted under the applicable forest practices rules. Grantor shall give Grantee at least thirty (30) days written notice prior to harvest or removal of timber, except that where a permit or approval is required from any government entity, such notice shall be given thirty (30) days before submission of the application for such permit or approval. Grantor shall mark timber to be removed for review by Grantee. Grantor's thirty (30) day written notice to Grantee is effective only after the timber to be removed is marked. If Grantee does not object by giving Grantor written notice within thirty (30) days of receipt of Grantor's notice, Grantor may proceed to harvest. If Grantee does object and gives Grantor notice thereof within thirty (30) days of receipt of Grantor's notice, Grantor shall not harvest until the objection is resolved.

B4 RESERVED RIGHTS

Other than specifically provided herein, Grantor is not restricted in its use of the Easement Premises.

B5 PUBLIC ACCESS

No right of public access to or across, or any public use of, the Easement Premises or the property on which it lies is conveyed by this Easement.

B6 COSTS, LIABILITIES, TAXES, AND INDEMNIFICATION

B6.1 Costs, Legal Requirements, and General Liabilities

Except as is expressly placed on Grantee herein, Grantor retains full responsibility for the Qualifying Timber and Easement Premises. Grantor shall keep the Qualifying Timber and Easement Premises free of any liens arising out of any work performed for, materials furnished to, or obligations incurred by Grantor. Grantor remains responsible for obtaining all permits required by law.

B6.2 Taxes and Obligations

Grantor shall remain responsible for payment of taxes or other assessments imposed on the Easement Premises or the Qualifying Timber. Grantor shall furnish Grantee with satisfactory evidence of payment upon request.

B6.3 Hold Harmless

B6.3.a Grantor

To the extent permitted by law, Grantor hereby releases and agrees to hold harmless, indemnify, and defend Grantee and its employees, agents, and assigns from and against all liabilities, penalties, costs, charges, losses, damages, expenses, causes of action, claims, demands, orders, judgments, or administrative actions, including without limitation reasonable attorneys' fees arising from or in any way connected with: (a) Injury or death of any person or any physical damage to property resulting from any act or omission, or other matter occurring on or relating to the Easement Premises or Qualifying Timber, caused solely by Grantor; (b) a breach by Grantor of its obligations under subsection **B3;** (c) the violation or alleged violation of, or other failure to comply with, any state, federal, or local law or requirement by Grantor in any way affecting, involving, or relating to the Easement Premises or the Qualifying Timber; (d) the release or threatened release onto the Easement Premises of any substance now or hereinafter classified by state or federal law as a hazardous substance or material caused solely by Grantor.

B6.3.b Grantee

To the extent permitted by law, Grantee hereby releases and agrees to hold harmless, indemnify and defend Grantor and its employees, agents, and assigns from and against all liabilities, penalties, costs, charges, losses, damages, expenses, causes of action, claims, demands, orders, judgments or administrative actions, including without limitation reasonable attorneys' fees arising from or in any way connected with: (a) Injury or death of any person or any physical damage to property resulting from any act or omission, or other matter occurring on or relating to the Easement Premises or Qualifying Timber, caused solely by Grantee; or (b) the release or threatened release onto the Easement Premises of any substance now or hereinafter classified by state or federal law as a hazardous substance or material caused solely by Grantee.

B7 SUBSEQUENT TRANSFERS

B7.1 Grantee

Grantee may assign, convey, or otherwise transfer its interest as evidenced in this Easement, but only to another agency of the State of Washington under any circumstances in which it determines, in its sole discretion, that such transfer is in the best interests of the state. Grantee shall give written notice to Grantor of the same within thirty (30) days of such conveyance, assignment, or transfer (provided that failure to give such notice shall not affect the validity of the assignment, conveyance, or transfer).

B7.2 Grantor

Grantor may assign, convey, or otherwise transfer without restriction its interest in the Easement Premises or the Qualifying Timber identified in Exhibit A hereto. Grantor agrees to incorporate the restrictions of the Easement in any deed or other legal instrument by which Grantor divests itself of all or a portion of its interests in the Easement Premises or Qualifying Timber. Grantor shall give written notice to the Grantee of the assignment, conveyance, or other transfer of all or a portion of its interest in the Easement Premises or the Qualifying Timber within thirty (30) days of such conveyance, assignment, or transfer (provided that failure to give such notice shall not affect the validity of the assignment, conveyance, or transfer).

B7.3 Termination of Grantor's Rights and Obligations

The Grantor's personal rights and obligations under this Easement terminate upon transfer of the Grantor's interest in the property on which the Easement lies or the Qualifying Timber, except that liability under the Easement for acts or omissions occurring prior to transfer shall survive transfer.

B8 DISPUTE RESOLUTION

The parties may at any time by mutual agreement use any nonbinding alternative dispute resolution mechanism with a qualified third party acceptable to Grantor and Grantee. Grantor and Grantee shall share equally the costs charged by the third party. The existence of a dispute between the parties with respect to this Easement, including without limitation the belief by one party that the other party is in breach of its obligations hereunder, shall not excuse either party from continuing to fully perform its obligations under this Easement. The dispute resolution provided for in this subsection is optional, not obligatory, and shall not be required as a condition precedent to any remedies for enforcement of this Easement.

B9 ENFORCEMENT

B9.1 Remedies

Either party may bring any action in law or in equity in the superior court for the county in which the Easement Premises are located or in Thurston County (subject to venue change under law) to enforce any provision of this Easement, including without limitation, injunctive relief (permanent, temporary, or ex parte, as appropriate) to prohibit a breach of this Easement, enforce the rights and obligations of this Easement, restore Qualifying Timber cut or removed in violation of this Easement or for damages. Grantee may elect to pursue some or all of the remedies provided herein.

B9.1.a Damages and Restoration

If Grantor cuts or removes (or causes another to cut or remove) Qualifying Timber from the Easement Premises in violation of this Easement, Grantee shall be entitled to damages, or restoration. Damages for the cutting of Qualifying Timber or the removal of Qualifying Timber from the Easement Premises in violation of the terms of this Easement may be up to triple stumpage value times the proportion of the original compensation. The maximum amount of damages shall be calculated according to the following formula:

Where:
Sv = The stumpage value of the Qualifying Timber that is cut or removed from the Easement Premises at the time the damage was done;
C = The compensation paid by the state to the Grantor at the time the Easement became effective;
Vq = The original value of Qualifying Timber at the time the Easement became effective as calculated in WAC 222-21-050.

Maximum Damages = 3*Sv*(C/Vq)

In addition the Grantor shall pay interest on the amount of the damages at the maximum interest rate allowable by law.

Grantee's rights to damages under this section shall survive termination. Restoration of Qualifying Timber may include either replanting or replacing trees or both, as determined by Grantee, in its sole discretion, to be appropriate. Replanting shall be by nursery transplant seedlings approved by Grantee with subsequent silvicultural treatment including without limitation weed control and fertilization approved by Grantee. Replacing trees shall be accomplished by designation of replacement trees of the size and species acceptable to Grantee. If replacement trees are designated to replace the Qualifying Timber cut or removed in violation of the terms of this Easement, the designated trees shall be thereafter treated as Qualifying Timber under this Easement.

B9.1.b Injunctive Relief. Grantor agrees that Grantee's remedies at law for any violation of the terms of this Easement may be inadequate and that Grantee may be entitled to injunctive relief, both prohibitive and mandatory, in addition to other relief to which Grantee may be entitled, including specific performance of the terms of this Easement, without the necessity of providing either actual damages or the inadequacy of otherwise available legal remedies.

B9.1.c Relationship to Remedies in Other Laws. The remedies provided for in this section are in addition to whatever other remedies the state may have under other laws including without limitation the Forest Practices Act. Nothing in this Easement shall be construed to enlarge, diminish or otherwise alter the authority of the state to administer state law.

B9.2 Costs of Enforcement

The costs, including reasonable attorneys' fees, of enforcing this Easement shall be borne by Grantee unless Grantee prevails in a judicial action to enforce the terms of this Easement, in which case costs shall be borne by Grantor, provided that nothing herein shall make Grantor liable for costs incurred by Grantee in taking enforcement actions pursuant to other state laws.

B9.3 Forbearance/Waiver

Enforcement of this Easement against the Grantor is at the sole discretion of the Grantee, and vice versa. Any forbearance by either party to exercise its rights hereunder in the event of a breach by the other party shall not be deemed a waiver by the forbearing party of the term being breached or of a subsequent breach of that term or any other term or of any other of the forbearing party's rights under this Easement.

B9.4 Waiver of Certain Defenses

Grantor hereby waives any defense of laches, estoppel, or prescription.

B9.5 Acts Beyond Grantor's Control

Nothing herein shall be construed to entitle Grantee to bring any action or claim against Grantor on account of any change in the condition of the Easement Premises or of the Qualifying Timber that was not within Grantor's control, including without limitation fire, flood, storms, insect and disease outbreaks, earth movement, or acts of trespassers, that Grantor could not reasonably have anticipated and prevented, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Easement Premises or Qualifying Timber resulting from such causes. In the event the terms of this Easement are violated by acts of trespassers that Grantor could not reasonably have anticipated or prevented, Grantor agrees, at Grantee's option, to join in any suit, to assign its right of action to Grantee, or to appoint Grantee its attorney in fact, for the purpose of pursuing enforcement action against the responsible parties.

B10 CONSTRUCTION AND INTERPRETATION

B10.1 Controlling Law

Interpretation and performance of this Easement shall be governed by the laws of the State of Washington.

B10.2 Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Easement shall be liberally construed in favor of the grant to effect the purposes of this Easement. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purposes of this Easement that would render the provision valid shall be favored over any interpretation that would render it invalid. The parties acknowledge that each has had an opportunity to have this Easement reviewed by an attorney and agree that the terms shall not be presumptively construed against either party.

B10.3 Captions

The captions in this instrument have been inserted solely for convenience of reference and are not a part of this instrument and shall have no effect upon construction or interpretation.

B11 AMENDMENT

This Easement may be jointly amended. The amendments shall be in writing and signed by authorized representatives. Grantee shall record any such amendments in a timely fashion in the official records of _____ County, Washington. All amendments shall be consistent with the purposes of this Easement.

B12 TERMINATION

Grantee may unilaterally terminate this Easement if it determines, in its sole discretion, that termination is in the best interest of the State of Washington. Grantee shall provide thirty (30) days written notice to Grantor of such termination.

B13 EXTINGUISHMENT

If circumstances arise that render the purpose of this Easement impossible to accomplish, this Easement can only be extinguished, in whole or in part, by mutual agreement of the parties or through judicial proceedings brought by one of the parties. Grantee shall be entitled to the value of the Easement as such value is determined pursuant to forest practices rules governing extinguishment or eminent domain, if no rule for extinguishment exists.

B14 CONDEMNATION

If the Easement is taken, in whole or in part, by exercise of the power of eminent domain, or acquired by purchase in lieu of condemnation, Grantee shall be entitled to compensation in accordance with the forest practices rules.

B15 NOTICE

Notices given pursuant or in relation to this Easement shall be in writing and delivered personally or by first class mail (postage prepaid), addressed as follows:

(a) If to Grantor:

_____

_____

_____

(b) If to Grantee:

Washington State Department of Natural Resources
Small Forest Landowner Office
DNR-Forest Practices Division
P.O. Box 47012
Olympia, WA 98504-7012

If either party's address changes during the term of this Easement, that party shall notify the other party of the change.

Any notice required to be given hereunder is considered as being received: (i) If delivery in person, upon personal receipt by the person to whom it is being given; or (ii) if delivered by first class U.S. mail and properly addressed, three (3) days after deposit into the U.S. mail; or (iii) if sent by U.S. mail registered or certified, upon the date receipt is acknowledged by the recipient.

B16 RECORDATION

Grantee shall record this instrument in timely fashion in the official records of County, Washington and may rerecord it at any time as may be required to preserve its rights in this Easement.

B17 GENERAL PROVISIONS

B17.1 Severability

If any provision in this Easement, or the application hereof to any person or circumstance, is found to be invalid, the remainder of this Easement, or the application hereof to other persons or circumstances shall not be affected thereby and shall remain in full force and effect.

B17.2 Entire Agreement

This instrument sets forth the entire agreement of the parties with respect to the Easement. This instrument supersedes all other and prior discussions, negotiations, understandings, or agreements of the parties. No alteration or variation of this instrument shall be binding unless set forth in an amendment to this instrument consistent with subsection **B11.**

B17.3 Successors and Assigns

The covenants, terms, conditions, and restrictions of this Easement shall be binding upon and inure to the benefit of the Grantor, Grantee, and their respective successors and assigns and shall continue as a servitude running with the property on which the Easement lies for the term of this Easement set forth in subsection **2.1.**

B17.4 No Forfeiture

Nothing contained herein will result in a forfeiture or reversion of Grantor's title in any respect.

B17.5 Counterparts

The parties may execute this instrument in two or more counterparts which shall, in the aggregate, be signed by both parties. Each counterpart shall be deemed an original as against the party that has signed it. In the event of any disparity between counterparts produced, the recorded counterpart shall be controlling.

B17.6 References to Statutes and Rules

Except as otherwise specifically provided, any references in this Easement to any statute or rule shall be deemed to be a reference to such statute or rule in existence at the time the action is taken or the event occurs.

B17.7 Adherence to Applicable Law

Any activity pertaining to or use of the Easement Premises or Qualifying Timber shall be consistent with applicable federal, state, or local law including chapter 76.09 RCW, the Forest Practices Act, chapter 36.70A RCW, the Growth Management Act, chapter 90.58 RCW, the Shoreline Management Act, chapter 75.20 RCW, Construction Projects in State Waters Act ("Hydraulics Code"), the Endangered Species Act (16 U.S.C. Sec. 1531, et seq.), and the Clean Water Act (33 U.S.C. Sec. 1251, et seq.), and rules adopted pursuant to these statutes (including all rules adopted under Section 4(d) of the Endangered Species Act).

(2) **Forestry riparian easement application.** The following items are required for a complete forestry riparian easement application:

(a) A certification by the small forest landowner that he or she meets the qualifications of a small forest landowner;

(b) The small forest landowners' timber tax identification number and permission to access harvest information at the department of revenue;

(c) All forest practices application numbers for the commercially reasonable harvest units and the associated qualifying timber on the property;

(d) The dates and areas of all planned future harvest entries on the easement premises;

(e) A preliminary litigation guarantee or similar report from a title company for the tax parcels that contain the easement premises;

(f) A description of past and current uses of the easement premises;

(g) Any information not specifically listed that the small forest landowner office needs to evaluate the easement and eligibility of the small forest landowner.

(3) **Baseline documentation.** The baseline documentation must describe the features and current uses on the easement premises and the qualifying timber. The information provided by the small forest landowner in subsection (2) of this section is considered part of the baseline documentation. In addition, the department will provide documentation that includes, but is not limited to:

(a) Cruise information consistent with the standards and methods in WAC 222-21-040;

(b) An assessment to determine site condition and potential liabilities associated with the proposed riparian easement (see the board manual section 17 for procedures for conducting assessment); and

(c) A description of the easement consistent with WAC 222-21-035.

[Statutory Authority: RCW 76.09.040, 76.09.370, chapters 76.13 and 34.05 RCW. 03-06-039, § 222-21-030, filed 2/26/03, effective 3/29/03. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). 01-12-042, § 222-21-030, filed 5/30/01, effective 7/1/01.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 222-21-035 Description of easement. The easement premises and qualifying timber must be described as follows:

(1) Range, township, section, and parcel number;

(2) Forest practice base map of proposed harvest, other forest practice activities and easement;

(3) 1:400 map of the easement premises indexed either to one legal land survey point or two geopositional system points; and

(4) Traverse of the easement premises tied to subsection (3) of this section. (See the board manual section 17 for standards of traverse.)

(5) Where the department does not have satisfactory access to the easement premises, the landowner must designate the access route on the forest practice application base map.

[Statutory Authority: RCW 76.09.040, 76.09.370, chapters 76.13 and 34.05 RCW. 03-06-039, § 222-21-035, filed 2/26/03, effective 3/29/03. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). 01-12-042, § 222-21-035, filed 5/30/01, effective 7/1/01.]

WAC 222-21-040 Timber cruises. (1) This section is designed to establish methods and standards for cruises of qualifying timber for the proposed forestry riparian easements for purposes of establishing the compensation. It applies only to the department, small forest landowners, and the small forest landowner office in connection with the forestry riparian easement program.

(2) The following standards will be used for the timber cruises:

(a) The purpose of the timber cruise is to determine the volume by species and grade sufficient to value the qualifying timber.

(b) Additional trees left voluntarily by the small forest landowner may be noted, but are not included in the cruise volume.

(c) The cruise method will be a 100 percent inventory of qualifying timber on the proposed easement premises. The inventory will include species, diameter class, grade, and any other information necessary to determine valuation of the easement. (See the board manual for specific cruise standards.)

(d) A sampling cruise method may be used for easement premises under certain circumstances. (See the board manual section 17 for standards for sampling cruise method.)

[Statutory Authority: RCW 76.09.040, 76.09.370, chapters 76.13 and 34.05 RCW. 03-06-039, § 222-21-040, filed 2/26/03, effective 3/29/03. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). 01-12-042, § 222-21-040, filed 5/30/01, effective 7/1/01.]

WAC 222-21-045 Valuation. (1) **This section is designed to establish methods and standards for valuation** of forestry riparian easements for purposes of establishing the compensation. It applies only to the department, small forest landowners, and the small forest landowner office in connection with the forestry riparian easement program.

(2) **The small forest landowner office will calculate the fair market value** of the forestry riparian easement as of the date of receipt of the forest practices application associated with the qualifying timber, or the date the landowner provides written notification to the small forest landowner office that the harvest is to begin. Data obtained or maintained by the department of revenue under RCW 84.33.074 and 84.33.091 will be used and adjusted to the applicable date. For easements with an approved forest practices application, the small forest landowner must indicate whether valuation will be calculated using method (a) or (b) of this subsection. Only method (a) of this subsection is available for qualifying timber for which an approved application for timber harvest cannot be obtained because of restrictions under the forest practices rules under WAC 222-21-061. In either method (a) or (b) of this subsection, the time adjustment index will be based on log price changes. The small forest landowner office will determine the specific log species and/or sorts and the log price reporting service to use after consultation with the small forest landowner advisory committee established under RCW 76.13.110(4) and the department of revenue. The small forest landowner office will generate an index that reflects the time adjustments using information and data obtained from a log price reporting service determined by the department in consultation with the small forest landowner committee.

(a) **Stumpage value determination.** The small forest landowner office will create and maintain value tables to determine stumpage value of the qualifying timber. These tables will be created using a method coordinated with the department of revenue. The values will closely approximate the stumpage value for logs that would be sold in the ordinary course of business for the date of receipt of the forest prac-

tices application. The landowner must provide the small forest landowner office with:

(i) The reference for the stumpage value table and any other needed information for use of the table (see the board manual section 17 for details); and

(ii) Any information the small forest landowner would like the department to consider in its cruise and valuation of the qualifying timber.

(b) **Small harvester tax return.** The landowner must provide mill or buyer information to the department on the sale breakdown. This includes:

(i) The volume and scaling bureau log grades of each species harvested;

(ii) The amount received for each species; and

(iii) The actual harvesting and marketing costs as defined in the department of revenue small harvester instructions.

The price received for the timber is adjusted to the applicable date using the time adjustment index and then the average logging and hauling cost per MBF is subtracted to arrive at the stumpage value. The value of the qualifying timber is determined by multiplying the time adjusted stumpage value of each species in the harvest unit by the net volume for each corresponding species in the inventory of qualifying timber. A residual value approach is used to determine the value of species in the easement, which are not present in the harvest area. The prices for species not present in the harvest unit are based on the delivered log price report approved by the small forest landowner office that corresponds closest to the date of the forest practices application, minus the average logging and hauling costs.

(3) Removal of any qualifying timber before the expiration of the easement must be in accordance with the forest practices rules and the terms of the easement. There shall be no reduction in compensation for reentry.

[Statutory Authority: RCW 76.09.040, 76.09.370, chapters 76.13 and 34.05 RCW. 03-06-039, § 222-21-045, filed 2/26/03, effective 3/29/03. Statutory Authority: RCW 76.09.040, chapters 76.13, 34.05 RCW. 02-05-084, § 222-21-045, filed 2/20/02, effective 3/23/02. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). 01-12-042, § 222-21-045, filed 5/30/01, effective 7/1/01.]

WAC 222-21-050 Payment of compensation. (1) The compensation offered to the small forest landowner will be 50% of the fair market value of the qualifying timber established under the process described in WAC 222-21-045, plus the compliance and reimbursement costs, subject to the following exceptions:

(a) If the high impact regulatory threshold is exceeded for an area covered by an approved forest practices application, then the compensation offered will be increased to 100% for the value of the qualifying timber where the high impact regulatory threshold is exceeded. Use the following calculation:

Where:
Vq = value of qualifying timber;
Vh = value of harvested timber;
t = high impact of regulatory threshold (19.1% for Western Washington, 12.2% for Eastern Washington);
TV = total value of all timber covered under FPA = Vq + Vh; and
HIO - high impact override = (Vq/TV) - t;

Place illustration here.

See Section 17 of board manual for example.

(b) All compensation is subject to available funding.

(2) If funding is not available, the small forest landowner office will maintain a priority list for compensation. Priority will be based on (a) date of receipt of forest practice application and (b) date of receipt of completed harvest status questionnaire.

(3) Reimbursement costs for easement layout are subject to the work being acceptable to the department. The small forest landowner office shall determine how the reimbursement costs will be calculated. The small forest landowner office will send the small forest landowner a notice of compensation decision within 60 days of completion of the timber cruise.

(4) Compensation for a forestry riparian easement associated with an approved forest practices application will not be paid until:

(a) The department has documented completion of harvest;

(b) The department has verified that there has been compliance with the rules requiring leave trees in the easement area;

(c) Any dispute over the amount of compensation or eligibility or other matter involving the forestry riparian easement has been resolved; and

(d) The forestry riparian easement has been executed and delivered to the department.

(5) Compensation for a forestry riparian easement for which an approved forest practices application for timber harvest cannot be obtained because of restrictions under these rules adopted under RCW 76.09.055 or 76.09.370 will not be paid until:

(a) The department has verified that there has been compliance with the rules requiring leave trees in the easement area; and

(b) Any dispute over the amount of compensation or eligibility or other matter involving the forestry riparian easement has been resolved; and

(c) The forestry riparian easement has been executed and delivered to the department.

[Statutory Authority: RCW 76.09.040, 76.09.370, chapters 76.13 and 34.05 RCW. 03-06-039, § 222-21-050, filed 2/26/03, effective 3/29/03. Statutory Authority: RCW 76.09.040, chapters 76.13, 34.05 RCW. 02-05-084, § 222-21-050, filed 2/20/02, effective 3/23/02. Statutory Authority: Chapter 34.05 RCW, RCW 76.09.040, [76.09.]050, [76.09.]370, 76.13.120(9). 01-12-042, § 222-21-050, filed 5/30/01, effective 7/1/01.]

Title 230 WAC
GAMBLING COMMISSION

Chapters

230-02 General provisions and definitions.

230-04 Licensing.
230-08 Records and reports.
230-12 Rules of general applicability.
230-20 Bingo, raffles and amusement games.
230-40 Card games.

Chapter 230-02 WAC
GENERAL PROVISIONS AND DEFINITIONS

WAC
230-02-412 Gambling equipment defined.

WAC 230-02-412 Gambling equipment defined. For purposes of this title, gambling equipment means any device, gambling related software, expendable supply or any other paraphernalia used in conjunction with or to facilitate gambling. Gambling equipment includes, but is not limited to:

(1) Amusement games;

(2) Punch boards and pull-tabs;

(3) Devices for dispensing pull-tabs;

(4) Electronic devices for conducting, facilitating or accounting for the results of gambling activities, including, but not limited to:

(a) Components of a tribal lottery system;

(b) Electronic devices for reading and displaying outcomes of gambling activities; and

(c) Accounting systems that are a part of, or directly connected to, a gaming system including, but not limited to:

(i) Bet totalizers;

(ii) Progressive jackpot meters; or

(iii) Keno systems;

(5) Bingo equipment, as defined in WAC 230-02-250;

(6) Equipment or machinery utilized for the manufacture of gambling equipment when such equipment is designed primarily for such purpose;

(7) Devices and supplies used to conduct card games, fund-raising events, recreational gaming activities, or Class III gaming activities, as defined in the Indian Gaming Regulatory Act at U.S.C. 25 chapter 29 § 2703 and in Tribal-State compacts, including, but not limited to:

(a) Gaming chips;

(b) Cards;

(c) Dice;

(d) Card shuffling devices;

(e) Graphical game layouts for table games;

(f) Ace finders or no-peek devices;

(g) Roulette wheels;

(h) Keno equipment; and

(i) Tables manufactured exclusively for gaming purposes.

[Statutory Authority: RCW 9.46.070. 03-11-042 (Order 421), § 230-02-412, filed 5/15/03, effective 7/1/03; 00-15-039 (Order 385), § 230-02-412, filed 7/14/00, effective 1/1/01.]

Chapter 230-04 WAC
LICENSING

WAC
230-04-110 Licensing of manufacturers.

WAC 230-04-110 Licensing of manufacturers. A license must be obtained from the commission prior to manufacturing, selling, or supplying gambling equipment to any person(s) within this state, or for use within this state: Provided, That amusement game manufacturers and manufacturers operating under a special sales permit (WAC 230-04-115) do not require a manufacturer's license. The following requirements apply to certification and licensing of manufacturers:

Information required on an application.

(1) The following information shall be submitted on an application form supplied by the commission:

(a) The full name and address of the applicant;

(b) The full name and address of each location where such devices are manufactured or stored;

(c) The name, home address, and share of ownership of all owners of the manufacturing business if the business is not a corporation. If the business is a corporation, the name, address, and share of ownership of the officers, the directors, and substantial interest holders;

(d) A full description of each separate type of gambling equipment or device that an applicant seeks to manufacture or to market in this state;

(e) The brand name under which each type of gambling device or equipment is sold;

(f) If the applicant is incorporated under laws other than the laws of Washington state, then the full name and business and home address of the resident agent designated by the applicant pursuant to WAC 230-12-300; and

(g) A list of all distributors receiving gambling equipment and all businesses or organizations located within the state of Washington in which the applicant has any financial interest and the details of that financial interest. For the purpose of this subsection, the term financial interest shall include all arrangements through which a person directly or indirectly receives any portion of the profits of the licensed manufacturer and indebtedness between the licensee and any other person, other than a regulated financial institution, in excess of five thousand dollars.

Information to be included with an application.

(2) The following information shall be included as an attachment to the application form:

(a) A list of all affiliated businesses or corporations in which the applicant, officers, directors, or substantial interest holders of the applicant, either directly or indirectly, own or control:

(i) As a sole proprietor;

(ii) As a partner;

(iii) More than fifty percent of the voting stock of a privately held or closed corporation; or

(iv) At least five percent of the voting stock of a publicly traded corporation.

(b) A list of all businesses or corporations licensed to conduct gambling activities or to supply gambling-related equipment, supplies, or services in which the applicant, officers, directors, or substantial interest holders of the applicant have any interest;

(c) A list of all jurisdictions in which the applicant or any of the officers, directors, or substantial interest holders of the

applicant have been licensed regarding gambling related activities at any level during the preceding ten years;

(d) A statement regarding whether the applicant or officers, directors, or substantial interest holders have ever had a license for gambling-related activities denied, revoked, or suspended by any jurisdiction for a period longer than thirty days. All details of such must be provided as a part of the application; and

(e) A statement acknowledging that all records related to the ownership or operation of the business shall be made available for review at the time and place requested by commission staff.

Additional information may be required from applicant.

(3) The following records shall also be available for inspection by commission staff:

(a) Personal financial records of all substantial interest holders;

(b) All records related to the scope of activity, including sales of product, purchases of raw materials and parts, and any contracts, franchises, patent agreements, etc., related to sales or purchases; and

(c) Records related to any financial or management control of or by customers and suppliers.

Applicant to demonstrate ability to comply with rules.

(4) An applicant must demonstrate the ability to comply with all manufacturing, quality control, and operational restrictions imposed on authorized gambling equipment, patented or otherwise restricted gaming schemes (also referred to as proprietary games), or equipment that it seeks to manufacture or market for use within the state of Washington. The licensing process shall include an on-site review of the applicant's manufacturing equipment and process for each separate type of authorized gambling device, equipment, or scheme to ensure capability to comply with all regulatory requirements of this title and state/tribal compacts;

Notifying commission staff of changes on an application.

(5) The applicant shall notify the commission within thirty days of any change in the information submitted on or with the application form, including changes that occur after the license has been issued; and

Applicant to comply with all laws and rules.

(6) The applicant shall comply with all applicable laws of the United States and the state of Washington and all applicable rules of this commission.

[Statutory Authority: RCW 9.46.070. 03-11-042 (Order 421), § 230-04-110, filed 5/15/03, effective 7/1/03; 00-15-039 (Order 385), § 230-04-110, filed 7/14/00, effective 1/1/01. Statutory Authority: RCW 9.46.070 (2), (4), (12) and (20). 97-21-043, § 230-04-110, filed 10/10/97, effective 11/10/97. Statutory Authority: RCW 9.46.070. 95-12-052, § 230-04-110, filed 6/2/95, effective 7/3/95; 94-01-033, § 230-04-110, filed 12/6/93, effective 1/6/94. Statutory Authority: RCW 9.46.070 and 9.46.0331. 91-19-093 (Order 227), § 230-04-110, filed 9/18/91, effective 10/19/91. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-04-110, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW 9.46.070 (4) and (6). 79-07-019 (Order 90), § 230-04-110, filed 6/14/79; Order 12, § 230-04-110, filed 2/14/74; Order 9, § 230-04-110, filed 12/19/73 at 1:26 p.m.; Order 5, § 230-04-110, filed 12/19/73 at 1:25 p.m.]

Chapter 230-08 WAC
RECORDS AND REPORTS

WAC

230-08-010 Monthly records.
230-08-017 Control of gambling equipment—Use of identification and inspection services stamps.

WAC 230-08-010 Monthly records. Every person or organization licensed to operate any gambling activity shall maintain permanent monthly records of all financial transactions directly or indirectly related to gambling activities. Each record shall include, but not necessarily be limited to, all details of the following:

Compliance with other rules.

(1) All financial transactions completed by the licensee must contain enough detail to determine compliance with the requirements of WAC 230-04-024, 230-04-080, 230-08-122, and 230-40-821;

Activities to be recorded separately and within thirty days - exception.

(2) Each licensed activity shall be recorded separately and include all transactions occurring during a calendar month. These records shall be complete in every detail and available for audit or inspection by agents of the commission or other law enforcement personnel no later than thirty days following the end of each month: Provided, That businesses licensed to operate punch boards and pull-tabs as commercial stimulants shall complete monthly records no later than fifteen days following the end of each month and such shall be available for audit or inspection the next day;

Records required for all licensees.

(3) The gross gambling receipts from the conduct of each of the activities licensed;

(4) Full details on all expenses related to each of the activities licensed;

(5) The total cost of all prizes paid out for each of the activities licensed;

Charitable and nonprofit records.

(6) With respect to those organizations licensed as qualified bona fide charitable or nonprofit organizations, except agricultural fairs, records shall clearly show in detail how the proceeds from each licensed activity obtained by the licensee were used or disbursed by that licensee. These records shall provide an audit trail satisfactory to allow verification that the funds were used for the organization's purpose(s). These records will include, but not be limited to, canceled checks for the subject disbursements;

Commercial stimulant records.

(7) With respect to commercial stimulant licensees, records shall include at least the following details:

(a) Gross sales of food and drink for consumption on their licensed premises;

(b) Gross sales of food and drink for consumption off the licensed premises; and

(c) Gross sales from all other business activities occurring on the licensed premises.

Punch board and pull-tab games removed from play.

(8) In addition to any other requirement set forth in these rules, licensees for the operation of punch boards and pull-tabs shall be required to prepare a detailed monthly record for punch boards and pull-tab series removed from play during that month. This detailed monthly record shall be recorded in a standard format prescribed by the commission: Provided, That punch board and pull-tab monthly records may be stored in computer data bases if:

(a) Computer data base records are not the primary storage medium and all original input control documents supporting data maintained in computer data bases are retained by the licensee;

(b) A "hard copy" report organizing the data maintained in the computer data base is generated for each month. This report must be completed and available for review no later than thirty days following the end of the month;

(c) An up-to-date "hard copy" report is provided within three days upon request of commission agents, law enforcement personnel, or local tax authorities;

(d) Reports generated from the computer data base provide all data required by subsection (9) of this section; and

(e) Reports generated from the computer data base organize the required data in an order that approximates the standard format and does not impede audit.

Disclosing punch board/pull-tab information.

(9) Monthly records for punch boards and pull-tabs shall disclose for each punch board and pull-tab series the following information:

(a) The name of the punch board or pull-tab series;

(b) The Washington state identification and inspection services stamp number recorded by attaching a records entry label: Provided, That in lieu of the records entry label, licensees may use a facsimile of the bar coded Washington state identification and inspection services stamp number which is generated by a printer interfaced with a computer data base, if the following standards and procedures are followed:

(i) The Washington state identification and inspection services stamp number must be electronically input into the data base by scanning the stamp with a bar code reader;

(ii) Records must be printed on white paper. Facsimiles of the bar coded Washington state identification and inspection stamp numbers must be at least one-quarter inch in height with a "quiet zone" on at least one-quarter inch of each side of the bar code;

(iii) Bar code facsimiles must be code "interleaved two of five" (USS-12/5) with a readability rate of at least 99.0% with a maximum of three passes with commission bar code reading equipment. Each licensee will be responsible for the accuracy of printouts and ensuring that bar codes are electronically readable. It is recommended that specifications of a printer be reviewed for capability to meet minimum standards prior to purchase or lease and that the printer be equipped with a serviceable ribbon.

(c) The date removed from play;

(d) The total number of tabs in each pull-tab series or the total number of punches in each punch board;

(e) The number of pull-tabs or punches remaining after removal from play;

(f) The number of pull-tabs or punches played from the pull-tab series or punch board;

(g) The cost to the players to purchase one pull-tab or one punch;

(h) The gross gambling receipts as defined in WAC 230-02-110;

(i) The total prizes paid, including both cash and merchandise (calculated by the cost to the licensee) prizes;

(j) The net gambling receipts (gross gambling receipts less total prizes paid);

(k) The cash over or short determined by:

(i) Subtracting actual cash from net gambling receipts for punch boards and pull-tabs which award cash prizes; and

(ii) Subtracting actual cash from gross gambling receipts for punch boards and pull-tabs which award merchandise prizes.

(l) The actual cash received from the operation of each pull-tab series or punch board: Provided, That when more than one series of pull-tabs is sold from a single dispensing device and the dispensing device is equipped with recording devices or meters which provide an accounting of the number of tabs dispensed from each individual series, the actual cash received may be computed by use of the meter readings. If this method is used to account for actual cash, all series in each dispensing device shall be played out at least once each calendar quarter and the combined cash over or short calculated for all series played from each dispensing device during the period by reconciling the total cash removed from the dispensing device to the total tabs sold from that dispensing device. The combined cash over or short shall be recorded as required by (k) of this subsection;

(m) With written commission approval, licensees operating pull-tabs to stimulate food and drink sales may record (k) and (l) of this subsection in total on a daily, weekly, or monthly basis, if their recordkeeping procedures meet commission standards.

Supporting documents.

(10) Copies of all additional financial data which support tax reports to any and all governmental agencies; and

Records to be maintained for three years.

(11) Each of these records shall be maintained by the licensee for a period of not less than three years from the end of the fiscal year for which the record is kept unless released by the commission from this requirement as to any particular record or records.

[Statutory Authority: RCW 9.46.070. 03-20-009 (Order 424), § 230-08-010, filed 9/18/03, effective 1/1/04. Statutory Authority: RCW 9.46.070 (8), (9). 95-19-069, § 230-08-010, filed 9/18/95, effective 1/1/96. Statutory Authority: Chapter 9.46 RCW. 94-24-054 (Order 261), § 230-08-010, filed 12/5/94, effective 1/5/95. Statutory Authority: RCW 9.46.070 (7), (8), (9) and (17). 93-13-063 (Order 241), § 230-08-010, filed 6/17/93, effective 7/18/93. Statutory Authority: RCW 9.46.070. 92-19-107 (Order 231), § 230-08-010, filed 9/18/92, effective 10/19/92. Statutory Authority: RCW 9.46.070 (7), (17), (8) and (9). 91-13-070 (Order 223), § 230-08-010, filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-08-010, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 88-13-060 (Order 179), § 230-08-010, filed 6/14/88. Statutory Authority: RCW 9.46[.070] (8) and (14). 87-17-052 (Order 171), § 230-08-010, filed 8/18/87. Statutory Authority: Chapter 9.46 RCW. 86-19-056 (Order 161), § 230-08-010, filed 9/15/86, effective 1/1/87. Statutory Authority: RCW 9.46.070 (4), (8), (11) and (14). 86-07-037 (Order 155), § 230-08-010, filed 3/14/86. Stat-

utory Authority: RCW 9.46.070 (8), (11), and (14). 83-13-050 (Order 134), § 230-08-010, filed 6/14/83. Statutory Authority: RCW 9.46.070(8). 82-01-065 and 82-03-033 (Order 115 and 116), § 230-08-010, filed 12/18/81 and 1/18/82; Order 74, § 230-08-010, filed 8/17/77; Order 18, § 230-08-010, filed 5/21/74; Order 9, § 230-08-010, filed 12/19/73, 1:26 p.m.; Order 5, § 230-08-010, filed 12/19/73, 1:25 p.m.]

WAC 230-08-017 Control of gambling equipment—Use of identification and inspection services stamps. To ensure gambling equipment is used only as authorized, manufacturers, distributors, linked bingo prize providers, and operators shall maintain close control over all gambling equipment in their possession.

Documenting equipment transfers.

(1) Each licensee that transfers leases or provides gambling equipment shall document the transaction by completing an invoice or other written record setting forth the information required by WAC 230-08-040.

ID stamps to be affixed to equipment.

(2) Identification and inspection services stamps obtained from the commission shall be used to identify gambling equipment and shall be permanently and conspicuously affixed to all equipment and devices designated by the commission. Once attached, identification and inspection services stamps shall not be removed, disfigured, or otherwise tampered with by any person. These stamps shall be attached and controlled in the following manner:

Equipment/devices requiring ID stamps.

(3) Identification and inspection services stamps shall be attached to the following gambling equipment and devices:

(a) Punch boards and pull-tab series;

(b) Pull-tab dispensing devices;

(c) Disposable bingo cards;

(d) Coin or token-activated amusement games operated at any Class A amusement game license location;

(e) Electronic bingo card daubers;

(f) Electronic card facsimile table; and

(g) Other gambling equipment or devices, as determined by the director.

Purchasing and affixing ID stamps.

(4) Identification and inspection services stamps shall only be sold to and attached by licensed manufacturers or commission staff: Provided, That a licensed owner of controlled gambling equipment may purchase and attach stamps as outlined in subsections (10) and (11) of this section;

Fees for ID stamps.

(5) The fee charged for identification and inspection services stamps shall be set by the commission at a level sufficient to fund regulation and control of gambling equipment. Fees shall be as set out below:

Equipment Type	Definition	Fee
(a) **Punch boards and pull-tabs**		
(i) Standard	Wagers fifty cents and below	$.27
(ii) Standard	Wagers over fifty cents	$1.05
(iii) Progressive jackpot pull-tab series	Per series	$10.60
(iv) Pull-tab series with carry-over jackpots	Per series	$1.05
(b) **Pull-tab dispensing devices**		
(i) Mechanical and electro-mechanical		$.27
(ii) Electronic	Dispensing devices that require initial and ongoing evaluation of electronic components or functions, such as reading encoded data on pull-tabs, accounting for income or prizes, and other functions determined by the director	$106.17 annually
(c) **Disposable bingo cards**		
(i) Sets of individual cards or sheets of cards		$.27
(ii) Collations of cards		$1.16
(iii) Cards used to play for linked bingo prizes	Fee is per 250 cards Fee is per 5000 cards	$.42 $8.49
(d) **Coin or token-activated amusement games**		
Operated at any Class A amusement game license location		$26.53 annually
(e) **Electronic bingo card daubers**		$10.60 annually
(f) **Electronic card facsimile table**		$361.51 annually
(g) **Other equipment or devices**		The actual cost of inspection or approval, as determined by the director

ID stamps valid for one year - exception.

(6) Devices that require identification and inspection services stamps to be installed annually shall have such stamps attached prior to placing any device into play and, on or before December 31 of the year preceding operation for each subsequent year.

Affixing stamps - shipping and packaging.

(7) Identification stamps shall only be affixed to gambling equipment or devices in such a manner as to assure reasonable inspection without obstruction. If equipment is enclosed or packaged within protective materials, the stamps shall be readily visible for inspection without removal of any portion of the protective packaging: Provided, That when more than one device is packed in a shipping carton, this requirement shall not apply if the identification and inspection services stamp numbers of all devices contained in the carton are printed or otherwise noted on the outside of the carton.

Location of ID stamps on equipment/devices.

(8) Stamps and records entry labels shall be affixed in the following manner:

(a) **Punch boards -** on the reverse side in an area that will not obstruct removal of punches: Provided, That if sufficient space is not available on the reverse side, the records entry labels may be wrapped around and/or partially attached to the edge of a punch board in a manner that will not obstruct display of prizes available or other information required by rules of the commission;

(b) **Pull-tabs -** on the face or reverse side of the flare. If placed on the face, then they must be in an area that will not obstruct prizes available or any other information required by rules of the commission;

(c) **Pull-tab dispensing devices -** on the outside of the main body, in an area that is not normally removed and replaced, and in a manner that will not obstruct the view of the pull-tabs available for play. The records entry labels shall not be affixed to dispensing devices and may be discarded;

(d) **Disposable bingo cards -** on the packing label attached to the outside of the shipping carton. Records entry labels shall be attached to the packing slip: Provided, That when a set or collation of cards is packed in more than one shipping carton, the stamp shall be attached to carton number one and the stamp number imprinted on all remaining shipping cartons; and

(e) **Electronic facsimile card table -** on the outside of the main body, in an area that is not normally removed and replaced, and in a manner that will not obstruct the view of the card facsimiles. The records entry labels shall not be affixed to table and may be discarded.

ID stamps shall only be affixed to approved devices.

(9) Identification and inspection services stamps shall not be attached to gambling equipment or devices that do not comply with rules of the commission. If a piece of equipment or a device requires specific commission approval, stamps shall not be affixed prior to such approval.

Licensed owners may purchase ID stamps.

(10) A licensed owner of gambling devices which require annual identifications and inspection services stamps may purchase such from the commission. The licensee shall submit the appropriate fee, along with a form provided by the commission, to obtain the stamps.

Replacing worn ID stamps on pull-tab dispensing devices.

(11) A licensed owner of pull-tab dispensing devices may obtain a commission identification and inspection services stamp to replace an identification stamp affixed to a pull-tab dispensing device that has become unidentifiable due to wear. The fee for replacement of the stamp shall be as required by WAC 230-04-202 and/or 230-04-203. The operator or distributor shall furnish the following information to the commission:

(a) A copy of the invoice from the operator, distributor or manufacturer for the purchase of the dispensing device in question; or

(b) A complete description of the pull-tab dispensing device, serial number, manufacturer, and the commission stamp number previously affixed to the device, if known.

Recordkeeping and replacing damaged stamps.

(12) Manufacturers shall maintain records that will allow accountability for all identification and inspection services stamps issued to them by the commission for at least three years after they are affixed to devices and sold. This accountability shall be by indefinite retention of unused or damaged stamps or by records as set out in WAC 230-08-025: Provided, That damaged stamps may be returned to the commission and will be replaced with serviceable stamps if they are accompanied by a detailed listing of the damaged stamps and a ten cent per stamp service charge.

[Statutory Authority: RCW 9.46.070. 03-01-031, 03-02-043 and 03-05-089 (Order 417, 417-A and 417-B), § 230-08-017, filed 12/6/02, 12/24/02 and 2/19/03, effective 6/30/03; 01-23-056, § 230-08-017, filed 11/20/01, effective 1/1/02; 98-24-090 (Order 369), § 230-08-017, filed 12/1/98, effective 1/1/99; 98-15-074 (Order 359), § 230-08-017, filed 7/15/98, effective 1/1/99. Statutory Authority: RCW 9.46.070 (5), (6), (11), (14). 97-14-012, § 230-08-017, filed 6/20/97, effective 7/21/97. Statutory Authority: RCW 9.46.070 and 9.46.116. 96-24-007 (Order 304), § 230-08-017, filed 11/21/96, effective 1/1/97. Statutory Authority: RCW 9.46.070. 94-23-007, § 230-08-017, filed 11/3/94, effective 1/1/95; 94-01-033, § 230-08-017, filed 12/6/93, effective 1/6/94. Statutory Authority: Chapter 9.46 RCW. 91-21-053 (Order 228), § 230-08-017, filed 10/15/91, effective 11/15/91. Statutory Authority: RCW 9.46.070 (4), (11) and (14). 89-24-002 (Order 201), § 230-08-017, filed 11/27/89, effective 12/28/89. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 88-13-060 (Order 179), § 230-08-017, filed 6/14/88.]

Chapter 230-12 WAC
RULES OF GENERAL APPLICABILITY

WAC

230-12-050	Extension of credit, loans, or gifts prohibited—Limited exception.
230-12-305	Licensee required to submit updated documents or information.
230-12-315	Request for review services—Fees.
230-12-316	Electronic or mechanical equipment review.

WAC 230-12-050 Extension of credit, loans, or gifts prohibited—Limited exception. No licensee, member or employee thereof shall extend credit, make a loan, or grant a gift to any person playing in an authorized gambling activity, or which enables a person to play in an authorized gambling activity.

Gifts prohibited—Exceptions.

(1) Gifts are items licensees give away to its customers and are not connected to gambling activities regulated by the commission. Licensees shall not offer gifts in conjunction with gambling activities, with the following exceptions:

(a) Promotions are allowed as authorized by WAC 230-12-045;

(b) Transportation services provided to and from gambling activities;

(c) Free or discounted food, drink or merchandise may be provided under the following conditions:

(i) The actual cost of any individual item may not exceed five hundred dollars;

(ii) The merchandise shall not be traded back to the licensee for cash or be used to further participate in an authorized gambling activity;

(d) For each individual gift with an actual cost over one hundred dollars, charitable and nonprofit organizations shall prepare and maintain a written record with the following information:

(i) How the recipients of the gifts were selected;

(ii) The number of gifts awarded; and

(iii) The total cost of each gift given.

Credit and loans prohibited—Exceptions.

(2) The consideration required to participate in the gambling activity shall be collected in full, by cash, check, or

electronic point-of-sale bank transfer, prior to participation, with the following exceptions:

Punch boards/pull-tabs.

(a) The consideration paid for the opportunity to play a punch board or pull-tab series may be collected immediately after the play is completed only when such consideration is ten dollars or less;

Charitable/nonprofit organization's billing system for members.

(b) When a bona fide charitable or bona fide nonprofit organization conducting any of the activities authorized by chapter 9.46 RCW or commission rules has a regular billing system for all of the activities of its members with such organization, such billing system may be utilized in connection with the playing of any of the activities authorized hereunder if:

(i) The playing of such activity is limited to regular members of such organization who have become regular members prior to the commencement of such activity and whose qualifications for membership were not dependent upon, or in any way related to, the playing of such activity; and

(ii) The director has given prior written consent to the use of such billing system in connection with the conduct of activities authorized under these rules.

Raffle tickets purchased with credit cards.

(c) Charitable or nonprofit organizations utilizing credit cards, issued by a state and/or federally regulated financial institution, for payment to participate in raffles.

[Statutory Authority: RCW 9.46.070. 03-21-065 (Order 425), § 230-12-050, filed 10/13/03, effective 1/1/04; 02-11-084 (Order 413), § 230-12-050, filed 5/16/02, effective 7/1/02; 00-09-052 (Order 383), § 230-12-050, filed 4/14/00, effective 5/15/00; 00-07-140 (Order 381), § 230-12-050, filed 3/22/00, effective 7/1/00. Statutory Authority: RCW 9.46.070, 9.46.0209, 9.46.0237, 9.46.0205 and 9.46.075. 96-24-008 (Order 303), § 230-12-050, filed 11/21/96, effective 12/22/96. Statutory Authority: RCW 9.46.070. 94-13-099 (Order 253), § 230-12-050, filed 6/15/94, effective 7/16/94. Statutory Authority: RCW 9.46.070 (11), (14) and 9.46.0218 [9.46.0281]. 89-05-024 (Order 186), § 230-12-050, filed 2/13/89; Order 51, § 230-12-050, filed 4/30/76; Order 15, § 230-12-050, filed 4/17/74; Order 5, § 230-12-050, filed 12/19/73.]

WAC 230-12-305 Licensee required to submit updated documents or information. In addition to any other requirements set forth in these rules, persons licensed by the commission shall submit any new or updated documents or information including, but not limited to, the following:

(1) Articles of incorporation or by laws, or any other documents which set out the organizational structure and purposes;

(2) Internal Revenue Service tax exemption status (charitable/nonprofit organizations only);

(3) All contracts and agreements, whether oral or written which relate to gambling activities or alter the organizational structure of the licensee or its business activities in Washington state; and

(4) All cash or asset contributions, draws from lines of credit, and loans, from other than recognized financial institutions, which individually or collectively exceed a total of ten thousand dollars during any calendar year: Provided, That cash or asset contributions do not include donations to licensed charitable or nonprofit organizations.

Submission timeline.

(5) The new or updated documents and/or information shall be submitted to the commission by notation on the next quarterly activity report filed, and by attaching all details concerning each transaction: Provided, That licensees not required to submit quarterly activity reports shall submit the required information no later than sixty days following the transaction(s) date.

[Statutory Authority: RCW 9.46.070. 03-11-041 (Order 420), § 230-12-305, filed 5/15/03, effective 7/1/03; 94-07-084 (Order 250), § 230-12-305, filed 3/16/94, effective 4/16/94. Statutory Authority: RCW 9.46.070 (7)(14). 91-07-021, § 230-12-305, filed 3/13/91, effective 4/13/91. Statutory Authority: Chapter 9.46 RCW. 87-09-043 (Order 167), § 230-12-305, filed 4/14/87.]

WAC 230-12-315 Request for review services—Fees. Any person submitting equipment, paraphernalia, services, or schemes for review, inspection, and/or evaluation by commission staff shall reimburse the commission the cost of services performed. A deposit of the estimated cost may be required prior to performance of such service. If a deposit is required, it shall be received by the commission prior to the performance of any substantial work on the request.

[Statutory Authority: RCW 9.46.070. 03-11-042 (Order 421), § 230-12-315, filed 5/15/03, effective 7/1/03. Statutory Authority: RCW 9.46.070 (5), (6), (11), (14). 97-14-012, § 230-12-315, filed 6/20/97, effective 7/21/97.]

WAC 230-12-316 Electronic or mechanical equipment review. A licensee must submit electronic or mechanical gambling equipment to the director for review to verify compliance with chapter 9.46 RCW and Title 230 WAC prior to the sale, lease or operation of such equipment. The equipment shall meet technical standards for compliance, accuracy, security and integrity. Persons not licensed by the commission may also request equipment review to verify compliance with state laws and rules.

(1) Manufacturers may be required to submit electronic or mechanical gambling equipment for review.

(a) To allow for continued testing and training, any equipment that is submitted for review under this section may be kept by the director for as long as the equipment remains out for play in the state of Washington.

(b) The gambling commission and staff are not liable for any damage to equipment while in their possession.

(2) Fees for review shall be as set forth in WAC 230-12-315.

(3) Equipment operated in Washington state must be identical to the version reviewed by the director.

(4) Equipment in operation on July 1, 2003, may continue in operation pending review by the director.

(5) If the person submitting such equipment does not agree with the director's decision, a petition for declaratory order may be filed with the commission to be heard de novo by an administrative law judge designated by the commission, pursuant to RCW 34.05.240 and WAC 230-50-850.

[Statutory Authority: RCW 9.46.070. 03-11-042 (Order 421), § 230-12-316, filed 5/15/03, effective 7/1/03.]

Chapter 230-20 WAC
BINGO, RAFFLES AND AMUSEMENT GAMES

WAC

230-20-050 Use of proceeds.
230-20-052 Repealed.
230-20-059 Minimum cash flow requirements for bingo games—Contributions to stated purpose—Sanctions.
230-20-190 Repealed.
230-20-242 Activities conducted as a part of bingo games—Authorization—Restrictions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

230-20-052 Transportation provided to bingo players. [Statutory Authority: RCW 9.46.070 (1), (8) - (11), (14), (16), (20). 96-07-078, § 230-20-052, filed 3/19/96, effective 7/1/96.] Repealed by 03-21-065 (Order 425), filed 10/13/03, effective 1/1/04. Statutory Authority: RCW 9.46.070.

230-20-190 Bingo card prices. [Statutory Authority: RCW 9.46.070, 9.46.0209, 9.46.0237, 9.46.0205 and 9.46.075. 96-24-008 (Order 303), § 230-20-190, filed 11/21/96, effective 12/22/96. Statutory Authority: RCW 9.46.070. 95-12-051, § 230-20-190, filed 6/2/95, effective 7/3/95; Order 53, § 230-20-190, filed 5/25/76; Order 12, § 230-20-190, filed 2/14/74; Order 5, § 230-20-190, filed 12/19/73, 1:25 p.m.] Repealed by 03-21-065 (Order 425), filed 10/13/03, effective 1/1/04. Statutory Authority: RCW 9.46.070.

WAC 230-20-050 Use of proceeds. No part of the proceeds of any bingo game, raffle, or amusement game conducted by a bona fide charitable or bona fide nonprofit organization, except qualified agricultural fairs, shall be used for the benefit of any person other than the organization conducting the activity; except that if the activity is conducted by a licensee for the charitable benefit of a specific person or persons who have been listed as recipients of the proceeds, or a specified portion thereof, on the application for a license to conduct the activity, then the proceeds or specified portion thereof, may be used for the benefit of such specific person or persons so designated if commission approval has been obtained prior to the organization conducting the activity for that purpose.

[Statutory Authority: RCW 9.46.070. 03-21-065 (Order 425), § 230-20-050, filed 10/13/03, effective 1/1/04. Statutory Authority: RCW 9.46.070 (1), (8) - (11), (14), (16), (20). 96-07-078, § 230-20-050, filed 3/19/96, effective 7/1/96; Order 53, § 230-20-050, filed 5/25/76; Order 42, § 230-20-050, filed 9/18/75; Order 23, § 230-20-050, filed 9/23/74; Order 5, § 230-20-050, filed 12/19/73, 1:25 p.m.]

WAC 230-20-052 Repealed. See Disposition Table at beginning of this chapter.

WAC 230-20-059 Minimum cash flow requirements for bingo games—Contributions to stated purpose—Sanctions. Bingo shall be conducted only as a social pastime or for fund-raising to support the stated purpose(s) of a charitable or nonprofit organization. Organizations licensed to conduct bingo games shall comply with the following procedures and limitations:

Contributions.

(1) To ensure that organizations licensed to conduct bingo games meet the intent of RCW 9.46.010 and provide funds adequate to promote charitable and nonprofit programs, such organizations shall not allow their bingo operation to award prizes or pay expenses to conduct bingo games that are excessive and all capital expenditures for the bingo operation that exceed six thousand dollars shall be specifically approved by the governing board.

An organization licensed to conduct bingo games shall ensure that the adjusted cash flow from the bingo operation available for its charitable and nonprofit programs is at least the following amount during each calendar quarter:

(a) For gross receipts above $375,000 up to $625,000 - 3% of gross receipts over $375,000;

(b) For gross receipts above $625,000 up to $875,000 - $7,500 plus 4% of gross receipts over $625,000;

(c) For gross receipts above $875,000 up to $1,125,000 - $17,500 plus 5% of gross receipts over $875,000; and

(d) For gross receipts above $1,125,000 - $30,000 plus 6% of gross receipts over $1,125,000.

Failure to meet the requirements of this subsection for any single calendar quarter shall not result in sanctions against the licensee.

Definitions.

(2) The following definitions shall apply to this section:

(a) "Gross receipts" shall mean the combined gross gambling receipts from bingo, pull-tab and punch board activities.

(b) "Adjusted cash flow from the bingo operation" shall mean the combined gross income of the bingo operation less all prizes and expenses, whether paid or accrued. For the purposes of computing expenses, depreciation or amortization, shall not be considered an expense of the bingo operation.

(c) "Bingo operation" shall mean bingo games and all associated activities conducted in conjunction with bingo games at the same location including punch boards, pull-tabs, snack bar, retail sales activities, rental of the bingo premises and drawings authorized under WAC 230-20-242.

Sanctions for failing to maintain a positive adjusted cash flow.

(3) If a bingo licensee does not maintain a positive adjusted cash flow from the bingo operation during any two consecutive calendar quarters measured independently, it shall be deemed to be operating primarily for gambling purposes. In this event, the director shall summarily suspend the organization's bingo license.

Sanctions for failing to meet adjusted cash flow requirements.

(4)(a) If a bingo licensee fails to meet the adjusted cash flow requirements of subsection (1) of this section when averaged over a period of any two consecutive calendar quarters, the licensee shall:

(i) Develop a plan to gain compliance;

(ii) Take immediate steps to reduce expenses and prizes paid and to increase income from all activities conducted in conjunction with the bingo game; and

(iii) Report the plan and action taken to commission staff no later than sixty days after the end of the period. Such report shall be in writing and signed by the president or chief operating officer.

(b) If a bingo licensee fails to meet the adjusted cash flow requirements of subsection (1) of this section when averaged over a period of any four consecutive calendar quarters, administrative action shall be taken to revoke the organization's bingo license.

[Statutory Authority: RCW 9.46.070. 03-11-040 (Order 419), § 230-20-059, filed 5/15/03, effective 6/30/03; 01-05-020 (Order 397), § 230-20-059, filed 2/9/01, effective 4/1/01. Statutory Authority: RCW 9.46.070, 9.46.0209, 9.46.0237, 9.46.0205 and 9.46.075. 96-24-008 (Order 303), § 230-20-059, filed 11/21/96, effective 12/22/96.]

WAC 230-20-190 Repealed. See Disposition Table at beginning of this chapter.

WAC 230-20-242 Activities conducted as a part of bingo games—Authorization—Restrictions. Bingo licensees may award prizes to winners of activities authorized by this section when such activities are conducted as a part of bingo games. Such activities shall be deemed to be bingo games if all players paying to participate are allowed to compete equally and all prizes awarded are treated as bingo game prizes for purposes of compliance with WAC 230-20-059.

(1) Drawings. Each licensee shall be allowed to award prizes that are determined by a random drawing of tickets or by other random selection methods involving the numbering system on such tickets if the requirements of WAC 230-20-105 are followed: Provided, That upon approval by commission staff, a licensee may use bingo cards in place of tickets if the requirements of WAC 230-20-107 are followed, and:

(a) All rules regarding these drawings, including requirements to qualify for participation, time and date of the drawing, and whether a player must be present to win, are clearly posted and distinctly explained to the players;

(b) Tickets or other facsimiles used to enter such drawings are awarded only to players purchasing cards to play in bingo games;

(c) Tickets, from which the winners of any such drawing are selected, shall not be accumulated for a period that is longer than thirty days. Drawings may be conducted using tickets that accumulate during any bingo occasion, week, or any other period that does not exceed thirty consecutive days;

(d) Players may only be awarded or otherwise receive tickets to participate in drawings at bingo games by meeting the following criteria:

(i) Pay an amount not to exceed one dollar per ticket. If a licensee elects to charge for entry into drawings, such drawings shall not be combined with other means of entry allowed by this subsection, and the gross gambling receipts, prizes, and expenses shall be recorded and reported as bingo activities: Provided, that if players are required to purchase tickets to enter the drawing, they shall not be required to be present to win if the drawing is not held at the same session as tickets are purchased;

(ii) Be a winner of a bingo game during the session;

(iii) Be a "good neighbor" winner, as defined by subsection (2) of this section; or

(iv) Meet other specific and predetermined criterion that has been approved by the director;

(e) The criterion for granting tickets, and the number of tickets awarded during each session, shall be recorded in the daily bingo record for each session. All winning tickets and other records shall be maintained as a part of the daily bingo records.

(2) "Good neighbor" prize schemes. A licensee may award prizes based upon the seating location of a player or players in regards to a winner of a bingo game or other approved criteria. The following requirements must be observed prior to awarding "good neighbor" prizes:

(a) All rules regarding these prizes, including the amount to be awarded to each "good neighbor" or group of "good neighbors" and all requirements to qualify for a prize, must be clearly posted and distinctly explained to the players; and

(b) A record shall be completed setting out the criterion for awarding such prizes, the number of such prizes awarded during each session, and all details required by WAC 230-08-080 and 230-20-102. Such record shall be maintained as a part of the daily bingo records.

(3) Second element of chance schemes. Licensees may use these schemes to increase the minimum prize for a bingo game after the winner(s) of the game has been determined by calling numbers and symbols if:

(a) The schemes do not involve the use of gambling devices specifically prohibited by public policy or commission rules;

(b) A player's minimum odds of winning the highest prize is equal to or greater than one winner out of one hundred twenty-five chances or the probability of winning the highest prize is.008 or greater;

(c) The scheme does not require the player to risk any portion of a prize already won;

(d) Every possible outcome of the scheme provides the player with an additional prize;

(e) All rules regarding play of the game are clearly posted and distinctly explained to the players. At least the following information shall be disclosed:

(i) The players minimum odds of winning the highest prize;

(ii) How a winner is determined;

(iii) Any contingencies or special requirements that may affect the outcome;

(iv) The cash value of the highest prize available; and

(v) Any financial burden that must be borne by the winner, such as taxes or registration fees.

(f) All requirements of WAC 230-20-010 are met before cards are purchased; and

(g) The scheme and supporting records contain control factors necessary for commission audit.

[Statutory Authority: RCW 9.46.070. 03-21-065 (Order 425), § 230-20-242, filed 10/13/03, effective 1/1/04; 99-11-078 (Order 371), § 230-20-242, filed 5/18/99, effective 7/1/99. Statutory Authority: RCW 9.46.070 (1), (2). 97-14-013, § 230-20-242, filed 6/20/97, effective 7/21/97. Statutory Authority: RCW 9.46.070, 9.46.0209, 9.46.0237, 9.46.0205 and 9.46.075. 96-24-008 (Order 303), § 230-20-242, filed 11/21/96, effective 12/22/96. Statutory Authority: RCW 9.46.070 (1), (8) - (11), (14), (20). 96-13-067 (Order 293), § 230-20-242, filed 6/18/96, effective 7/19/96. Statutory Authority: Chapter 9.46 RCW. 94-24-055 (Order 263), § 230-20-242, filed 12/5/94, effective 1/5/95. Statutory Authority: RCW 9.46.070. 93-13-062 (Order 240), § 230-20-242, filed 6/17/93, effective 7/18/93.]

Chapter 230-40 WAC
CARD GAMES

WAC

230-40-010 Social card games—Rules of play—Types of card games authorized.
230-40-040 Fees for house-banked card games—Prohibited—Exception.
230-40-055 Card tournaments for fee and prizes—Reporting requirements.
230-40-120 Limits on wagers in card games.
230-40-125 Repealed.
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230-40-625 Closed circuit television system—Class F card rooms.
230-40-803 Repealed.
230-40-805 Progressive jackpot prizes—Procedures—Restrictions—House-banking.
230-40-815 Administrative and accounting control structure—Organization—House-banking.
230-40-821 General accounting records—House-banking.
230-40-825 Closed circuit television system—House-banking.
230-40-860 Table inventories and procedures for opening tables for house-banked card games.
230-40-875 Closing gaming tables—House-banking.
230-40-895 Key control—House-banking.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

230-40-125 Washington blackjack—Rules of play—Wagering limits. [Statutory Authority: RCW 9.46.070. 00-09-052 and 00-09-087 (Orders 383 and 383-A), § 230-40-125, filed 4/14/00 and 4/18/00, effective 5/15/00 and 5/19/00; 99-13-102 (Order 374), § 230-40-125, filed 6/15/99, effective 8/1/99. Statutory Authority: RCW 9.46.070 (1)-(4), (7), (8), (11), (12), (14), (20) and 9.46.110 (3), (4). 95-23-109, § 230-40-125, filed 11/22/95, effective 1/1/96. Statutory Authority: RCW 9.46.070. 93-13-062 (Order 240), § 230-40-125, filed 6/17/93, effective 7/18/93. Statutory Authority: Chapter 9.46 RCW. 91-21-053 (Order 228), § 230-40-125, filed 10/15/91, effective 11/15/91; 91-05-047 (Order 220), § 230-40-125, filed 2/14/91, effective 3/17/91. Statutory Authority: RCW 9.46.070 (11) and (14). 90-11-058, § 230-40-125, filed 5/15/90, effective 6/15/90. Statutory Authority: RCW 34.05.220(4), [34.05].230 and 9.46.070 (11) and (14). 90-05-032 (Order 205), § 230-40-125, filed 2/14/90, effective 3/17/90.] Repealed by 03-20-009 (Order 424), filed 9/18/03, effective 1/1/04. Statutory Authority: RCW 9.46.070.

230-40-803 Phase II wager limits—Restrictions—Procedures. [Statutory Authority: RCW 9.46.070. 01-15-053 (Order 404), § 230-40-803, filed 7/13/01, effective 8/13/01; 00-09-052 (Order 383), § 230-40-803, filed 4/14/00, effective 5/15/00.] Repealed by 03-17-044 (Order 422), filed 8/15/03, effective 9/15/03. Statutory Authority: RCW 9.46.070.

WAC 230-40-010 Social card games—Rules of play—Types of card games authorized. Social card games shall be played using rules and procedures as set forth in this section. Only card games that have been specifically authorized are allowed to be played in public or social card rooms.

Rules of play for all card games.

(1) Social card games shall be played in the following manner:

(a) The game must be played with one or more standard decks of playing cards or with approved electronic card facsimiles which meet the requirements of WAC 230-40-070 (1)(c): Provided, That cards may be removed to comply with rules of a specific game, such as pinochle;

(b) Players shall compete against all other players on an equal basis for nonhouse-banked games or against the licensee for house-banked games;

(c) Each player shall receive their own hand of cards and be responsible for decisions regarding such hand, such as whether to fold, discard, draw additional cards, or raise the wager;

(d) Players shall not place wagers on any other player's or the house's hand and no side bets between players are allowed: Provided, That the following shall not be in violation of this section:

(i) An insurance bet placed in the game of blackjack;

(ii) A tip wager made on behalf of a dealer; or

(iii) "Envy" provisions which allow a player to receive a prize if another player wins a jackpot or odds wager;

(e) A player's win or loss shall be determined during the course of play of a single card game; and

(f) No more than two separate games shall be played with a single hand of cards. For purposes of this section, bonus features and progressive jackpots are considered a game: Provided, That bonus features that allow a player to receive an additional prize if another player achieves a specific hand, such as "envy" or "share the wealth" features, shall not be considered a separate game if the player does not have to place a separate wager to participate.

Nonhouse-banked card games authorized.

(2) Nonhouse-banked card games shall only be played in the manner set forth in *The New Complete Hoyle, Revised, Hoyle's Modern Encyclopedia of Card Games*, or a similar authoritative book on card games approved by the director: Provided, That each licensee may make immaterial modifications to each authorized game set out in Hoyle. The following nonhouse-banked card games are authorized:

(a) Poker;
(b) Hearts;
(c) Pinochle;
(d) Cribbage;
(e) Rummy;
(f) Panguingue (Pan);
(g) Pitch;
(h) Bid Whist;

(i) Other games or modifications to approved games may be approved by the director, or the director's designee, on a case-by-case basis. Requests for approval of a game must be submitted in writing, and include the rules of play and all wagering schemes.

House-banked card games authorized.

(3) House-banked card games shall be approved by the director, or the director's designee, on a case-by-case basis. Request for approval of a house-banked card game must be submitted in writing, including the rules of play and all wagering schemes. A list of all approved games, modifications to games, and rules of play shall be available at all commission offices. The director may approve games in which the determination of whether a player wins or loses depends upon one or more of the following:

(a) The player's hand is a specific:

(i) Pattern or ranking of cards (pair, straight, flush, royal flush, etc.);

(ii) Combination of cards (two queens of hearts, ace and jack of spades, three sevens, etc.); or

(iii) Value of the cards (seventeen, twenty-one, etc.); and/or

(b) The player has a higher ranking or value hand than the house/dealer/banker.

Removing an approved game from play.

(4) Once a game is approved for play, the director shall not remove it from the authorized list of games without providing licensees written notice. Licensees shall be afforded an opportunity to object to the director's decision. If an objection is filed, an administrative law judge shall review the director's decision utilizing the brief adjudicative procedures set forth in WAC 230-50-010.

Procedures for when a proposed game is denied.

(5) The licensee shall be notified in writing when the director denies a request for a new game or modification of a game. The notification shall include reasons for the denial and provide the petitioner all information necessary for a formal petition to the commission for rule making, amendments, or repeal, as set forth in WAC 230-50-800.

[Statutory Authority: RCW 9.46.070. 03-20-009 (Order 424), § 230-40-010, filed 9/18/03, effective 1/1/04; 01-15-054 (Order 405), § 230-40-010, filed 7/13/01, effective 1/1/02; 00-09-052 (Order 383), § 230-40-010, filed 4/14/00, effective 5/15/00; 99-13-103 (Order 373), § 230-40-010, filed 6/15/99, effective 8/1/99. Statutory Authority: RCW 9.46.0281, 9.46.070 (1), (2), (14) and (20). 96-11-073, § 230-40-010, filed 5/13/96, effective 7/1/96. Statutory Authority: RCW 9.46.070. 94-13-098 (Order 252), § 230-40-010, filed 6/15/94, effective 7/16/94. Statutory Authority: RCW 34.05.220(4), [34.05].230 and 9.46.070 (11) and (14). 90-05-032 (Order 205), § 230-40-010, filed 2/14/90, effective 3/17/90. Statutory Authority: RCW 9.46.070. 88-19-038 (Order 183), § 230-40-010, filed 9/13/88. Statutory Authority: Chapter 9.46 RCW. 86-19-056 (Order 161), § 230-40-010, filed 9/15/86. Statutory Authority: RCW 9.46.070(11). 82-23-050 (Order 125), § 230-40-010, filed 11/15/82. Statutory Authority: RCW 9.46.070(10) (see RCW 9.46.020(20)). 80-09-067 (Order 103), § 230-40-010, filed 7/17/80; Order 78, § 230-40-010, filed 11/17/77; Order 67, § 230-40-010, filed 3/11/77; Order 40, § 230-40-010, filed 6/26/75; Order 23, § 230-40-010, filed 9/23/74.]

WAC 230-40-040 Fees for house-banked card games—Prohibited—Exception. No person shall be charged a fee, directly or indirectly, to participate in house-banked card games: Provided, That a licensee may collect a commission of not more than five percent from a winning hand.

[Statutory Authority: RCW 9.46.070. 03-20-009 (Order 424), § 230-40-040, filed 9/18/03, effective 1/1/04; 00-09-052 (Order 383), § 230-40-040, filed 4/14/00, effective 5/15/00.]

WAC 230-40-055 Card tournaments for fee and prizes—Reporting requirements. A card tournament wherein a fee is charged to the participants and prizes are awarded to the winning players shall be licensed by the commission.

License not required.

(1) Card room licensees with a Class A, B, E, F or house-banked license may conduct a card tournament for a fee without obtaining a card tournament license: Provided, That licensees are limited to only those card games authorized under their license class.

Class D licensees.

(2) Card room licensees with a Class D license must first obtain a card tournament license before they can conduct a card tournament in which the players are charged a fee to enter.

Notification.

(3) The licensee shall notify the commission ten days in advance of any card tournament where the single or multiple buy-in exceeds fifty dollars.

Length of tournament.

(4) A card tournament shall not exceed thirty consecutive calendar days.

Entry fees.

(5) The fee for a player to enter a card tournament for prizes shall not exceed one hundred dollars. The fee shall include all separate fees which might be paid by a player for various phases, events of the tournament, food and drink offerings, and promotional material.

Posting entry fee requirements.

(6) The fee to enter a tournament and a description of all goods and services to be provided as a part of the tournament must be fully disclosed to each entrant prior to their paying such fee. Such disclosure must be posted conspicuously on the premises at the time payment is received and remain posted until the tournament is complete.

Customer appreciation.

(7) Operators may offer customer appreciation tournaments. The licensee shall conspicuously post entry and buy-in requirements.

(a) Entrants in such tournaments must initially be provided with the same number of chips or points and the same opportunity for rebuys.

(b) All prizes awarded for customer appreciation tournaments may be deducted as prizes for determining adjusted net gambling receipts.

Fees are gross gambling receipts - exception for food and gifts.

(8) All fees paid to enter a tournament shall be reported as gross gambling receipts: Provided, That if an operator prepares and provides food and drink items to all tournament entrants on the licensed premises as a part of their entry fee, the fair market value of the food and drink provided, not to exceed twenty-five dollars or fifty percent of the entry fee, which ever is greater, shall be treated as sales of food and drink for on premises consumption and not included as gross gambling receipts. Such sales, must be properly supported by records: Provided further, That if an operator provides items promoting the tournament or licensed business, such as hats, t-shirts, etc., to all participants as a part of their entry fee, the actual cost of such items, supported by invoices and other such records, shall be deducted as prizes in determining adjusted net gambling receipts.

Buy-in.

(9) In addition to the entry fee, a minimum buy-in of chips may be required. The total buy-in per player shall not exceed four hundred dollars per tournament and may be either a single or multiple buy-in during the course of the tournament. A record of the buy-ins for each participant will be maintained by the licensee in a format provided by the commission. All buy-ins of chips are not gross gambling receipts and shall be returned to the participants in the form of prizes. Prizes from buy-ins are not deductible for commercial stimulant purposes.

Prizes.

(10) The chips used in card tournaments shall have no monetary value and may be redeemed only for prizes established by the licensee. The licensee may award prizes in excess of those entry fees collected as authorized in subsection (5) of this section. The licensees actual cost, including any cash, for prizes awarded to the players may be deducted as prizes for determining adjusted net gambling receipts generated by the entry fees.

Posting and approval of rules.

(11) The licensee shall adopt tournament rules to facilitate the operation of card tournaments: Provided, That all tournament rules for tournaments where the single or multiple buy-in exceeds fifty dollars must be submitted to commission staff for approval: Provided, That once a tournament format is approved, notification will be sufficient for all subsequent tournaments identical in format and play. All tournament rules must be conspicuously posted where all tournament participants can see and read the rules.

Recording fees and players.

(12) The licensee shall maintain a record of all such fees collected and the number of participant for each tournament conducted. This information shall be entered in a format approved by the commission. The total gross gambling receipts for the tournament shall be entered on the card room daily control sheet for the time and date the tournament begins and the record of participants shall be attached and maintained with that daily control sheet.

Prize records.

(13) The licensee shall maintain a record of all prizes awarded to include the amount the licensed operator actually paid for each prize and the name and complete address of each winning participant: Provided, That the name and address of each participant receiving promotional items as set forth in subsection (8) of this section shall not be required on the prize record. The record shall be attached to the daily control sheet used on the date the majority of the prizes are awarded.

[Statutory Authority: RCW 9.46.070. 03-21-064 (Order 423), § 230-40-055, filed 10/13/03, effective 1/1/04; 01-13-091 (Order 403), § 230-40-055, filed 6/19/01, effective 7/20/01; 00-11-054 (Order 384), § 230-40-055, filed 5/12/00, effective 6/12/00; 94-07-084 (Order 250), § 230-40-055, filed 3/16/94, effective 4/16/94. Statutory Authority: RCW 9.46.070 and 9.46.0325. 93-12-082, § 230-40-055, filed 5/28/93, effective 7/1/93. Statutory Authority: RCW 9.46.0281 and 9.46.070 (11), (12) and (14). 88-22-019 (Order 184), § 230-40-055, filed 10/24/88. Statutory Authority: Chapter 9.46 RCW. 86-17-057 (Order 160), § 230-40-055, filed 8/18/86. Statutory Authority: RCW 9.46.070 (1), (2), (4), (5), (6), (9), (11), (14) and (17) and 9.46.020 (19) and (23). 85-17-015 (Order 153), § 230-40-055, filed 8/12/85. Statutory Authority: RCW 9.46.020 (20)(d), 9.46.050(3) and 9.46.070 (1), (2), (5), (8), (9), (11) and (12). 85-03-026 (Order 144), § 230-40-055, filed 1/9/85.]

WAC 230-40-120 Limits on wagers in card games. Social and public card room licensees shall not allow wagering limits set by the commission to be exceeded in any card game. The number and value of wagers in card games are limited as follows:

Nonhouse-banked card games.

(1) Poker:

(a) There shall be no more than five betting rounds in any one game;

(b) The maximum number of wagers in any betting round shall be four, comprised of an initial wager plus three raises; and

(c) The maximum amount of a single wager shall not exceed twenty-five dollars.

(2) Games based on achieving a specific number of points - each point shall not exceed five cents in value.

(3) An ante, except for panguingue (pan), shall not be more than the maximum wager allowed for the first betting round for any game. The ante may, by house rule, be made by one or more players, but the total ante may not exceed the maximum wager allowed for the first betting round. An ante, by house rule, may be used as part of a player's wager.

(4) Panguingue (pan) - the maximum value of a chip for a payoff shall not exceed ten dollars. An ante will not exceed one chip. Doubling of conditions is prohibited. Players going out may collect not more than two chips from each participating player.

House-banked card games.

(5) Licensees authorized to conduct house-banked card games shall not allow a single wager to exceed one hundred dollars;

(6) A single wager may be made on each separate element of chance. In addition, for blackjack, an additional wager may be placed for doubling down or splitting pairs; and

(7) Bonus wagers for house-banked progressive jackpots shall not exceed one dollar. Bonus wagers with a predetermined prize amount based upon a separate element of chance within the same game shall not exceed the authorized maximum table limits as described in subsection (5) of this section.

[Statutory Authority: RCW 9.46.070. 03-17-044 (Order 422), § 230-40-120, filed 8/15/03, effective 9/15/03; 01-13-091 (Order 403), § 230-40-120, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-40-120, filed 4/14/00, effective 5/15/00; 94-13-098 (Order 252), § 230-40-120, filed 6/15/94, effective 7/16/94. Statutory Authority: RCW 34.05.220(4), [34.05].230 and 9.46.070 (11) and (14). 90-05-032 (Order 205), § 230-40-120, filed 2/14/90, effective 3/17/90. Statutory Authority: RCW 9.46.070 (8), (11) and (14). 89-15-039 (Order 194), § 230-40-120, filed 7/18/89, effective 8/18/89. Statutory Authority: RCW 9.46.050(3) and 9.46.070 (1), (2) and (11). 86-15-025 (Order 159), § 230-40-120, filed 7/14/86. Statutory Authority: RCW 9.46.070 (1), (2) and (11) and 9.46.110. 85-21-046 (Order 154), § 230-40-120, filed 10/14/85. Statutory Authority: RCW 9.46.020 (20)(d) and 9.46.070(11). 82-23-050 (Order 125) and 83-01-045 (Order 125A), § 230-40-120, filed 11/15/82 and 12/13/82. Statutory Authority:

RCW 9.46.070(11). 82-04-010 (Order 118), § 230-40-120, filed 1/22/82; 81-19-073 (Order 112), § 230-40-120, filed 9/15/81. Statutory Authority: RCW 9.46.070(10). 80-03-059 (Order 98), § 230-40-120, filed 2/25/80; Order 80, § 230-40-120, filed 12/28/77; Order 51, § 230-40-120, filed 4/30/76; Order 48, § 230-40-120, filed 3/23/76; Order 23, § 230-40-120, filed 9/23/74.]

WAC 230-40-125 Repealed. See Disposition Table at beginning of this chapter.

WAC 230-40-550 Incompatible functions defined. Incompatible functions for accounting and internal control purposes are functions, duties, or responsibilities that place any person or department in a position to both perpetrate and conceal errors or irregularities in the normal course of his or her duties. Anyone both recording transactions and having access to the relevant assets is in a position to perpetrate errors or irregularities. For example, an employee that writes checks should not reconcile the bank account; or an employee that transports funds should not have access to keys for locks securing such funds or to surveillance recordings of the transaction.

[Statutory Authority: RCW 9.46.070. 03-09-076 (Order 418), § 230-40-550, filed 4/16/03, effective 7/1/03; 00-09-052 (Order 383), § 230-40-550, filed 4/14/00, effective 5/15/00.]

WAC 230-40-625 Closed circuit television system—Class F card rooms. Critical activities related to the operation of a player-supported jackpot (PSJ) and assessment of fees based on amounts wagered (rake method) shall be closely monitored by the use of a closed circuit television (CCTV) system and recorded using analog and/or digital recording equipment. If a licensee is conducting both Class F and house-banked activities, the licensee shall be required to meet the surveillance requirements set forth in WAC 230-40-825. Each Class F card room licensee shall install and maintain a CCTV system that meets the following requirements:

Camera coverage.

(1) The following areas are required to be viewed by the CCTV system:

(a) All gaming at each table including, but not limited to, the:

(i) Cards;

(ii) Wagers;

(iii) Chip tray;

(iv) Drop box openings; and

(v) Players and dealers.

(b) All activity in the count room or count area including, but not limited to, the:

(i) Count table;

(ii) Floor;

(iii) Drop boxes; and

(iv) Drop box storage shelves/cabinets.

Camera requirements.

(2) The CCTV system shall consist of light sensitive cameras that have the ability to determine card and chip values at each gaming table. Each video camera shall be capable of having its images displayed on a video monitor and recorded. Cameras shall be installed in a manner that will prevent them from being readily obstructed, tampered with, or disabled by patrons or employees. Installed cameras shall cover the areas required by this rule and shall include, at a minimum, the following:

(a) At least one fixed camera focused over each gaming table covering the entire layout;

(b) At least one fixed camera focused over the dealer area covering the chip rack, all drop box openings, and the community card area;

(c) At least one fixed or pan, tilt, and zoom (PTZ) camera permanently programmed for the purposes of monitoring players and dealers at each gaming table. This camera must be capable of viewing each patron and dealer at each gaming position at least once every five minutes;

(d) A sufficient number of fixed and/or PTZ cameras in the cage only if the count process is conducted there;

(e) A sufficient number of fixed and/or PTZ cameras in the count area; and

(f) Any other location as deemed necessary by commission staff.

Video recording equipment requirements.

(3) Video recording equipment shall meet the following requirements:

(a) **Analog recording,** including audio recording where required, using a video cassette recorder, shall comply with the following requirements:

(i) Images shall be recorded at a rate of not less than twenty frames per second on standard VHS format; and

(ii) Recorded images shall accurately reflect the time and date of the video recording. If multiple time and date generators are used, they shall be synchronized to the same time and date; or

(b) **Digital recording,** including audio recording where required, using a hard drive storage system, shall comply with the following requirements:

(i) All images shall be recorded on a hard drive;

(ii) Recording systems shall be locked by the manufacturer to disable the erase and reformat functions to prevent access to system data files;

(iii) The system must provide uninterrupted recording of surveillance, this shall include during playback or copying;

(iv) Recording systems shall be capable of copying original images maintaining the original native format;

(v) Images shall be stored at a rate of not less than twenty-five images per second;

(vi) Resolution shall be 640 x 480 or higher;

(vii) Images shall be stored in a format that is readable by commission computer equipment;

(viii) Images shall be stored in a format that contains a method to verify the authenticity of the original recording and copies;

(ix) Recorded images shall include the accurate time and date the video was originally recorded;

(x) Previously recorded material may be overwritten after seven continuous days of gaming; and

(xi) Recording systems shall be equipped with an uninterruptible power source to allow a proper system shutdown.

Use of multiplexing and quad recording devices.

(4) Multiplexing/quad recording devices may only be used for external surveillance, movement of drop boxes

between tables and the count room, and on entrances and exits: Provided, That split screen devices may be utilized for areas not required to have surveillance coverage.

Recording of illegal or suspicious activities.

(5) Illegal or suspicious activities within the monitored portion of the licensed premises shall be reported to commission staff, pursuant to WAC 230-40-815 (3)(a)(v) through (vi). Additionally, licensees shall ensure two copies of the entire recorded image sequence are made reflecting the questioned activity. One copy shall be provided to commission staff or other law enforcement representatives upon demand and the other copy maintained by the licensee for a period of thirty days.

Activities to be recorded.

(6) Video signals from all cameras shall be recorded when:

(a) Gaming tables are in operation;

(b) Drop boxes or chip trays are stored on the gaming tables;

(c) Drop boxes are being transported; or

(d) Drop box contents are being counted.

Surveillance activity log.

(7) The licensee shall maintain a record of all surveillance activities in the surveillance room. A surveillance log shall be maintained by surveillance personnel and shall include, at a minimum, the following:

(a) Date and time of surveillance;

(b) Person initiating surveillance;

(c) Time of termination of surveillance;

(d) Summary of the results of the surveillance; and

(e) A record of any equipment or camera malfunctions.

Employee sign-in log.

(8) A surveillance room sign-in log shall be maintained to document the time each surveillance employee monitors the card room. The surveillance sign-in log shall be available for inspection at any time by commission staff or law enforcement personnel.

Labeling and storing video and audio recordings.

(9) Video and audio recordings shall be marked to denote the activity recorded and retained for a period necessary to afford commission staff or law enforcement personnel reasonable access. The following minimum retention periods apply to recordings:

(a) Recordings shall be retained for a minimum of seven complete gaming days.

(b) Recordings of evidentiary value shall be maintained as requested by commission staff; and

(c) Tapes documenting jackpot payouts of five hundred dollars or more shall be retained for at least thirty days; and

(d) Commission staff may increase any of the retention requirements noted in this section by notifying the licensee.

Dispute resolution.

(10) In the event there is not sufficient clarity due to violations of the above requirements, the burden will be on the licensee to prove any action taken was warranted. Otherwise, all disputes shall be resolved in favor of the player: Provided, That a review by commission staff may be requested if the licensee feels circumstances warrant, for example, cheating has occurred.

[Statutory Authority: RCW 9.46.070. 03-09-076 (Order 418), § 230-40-625, filed 4/16/03, effective 7/1/03; 01-13-091 (Order 403), § 230-40-625, filed 6/19/01, effective 7/20/01.]

WAC 230-40-803 Repealed. See Disposition Table at beginning of this chapter.

WAC 230-40-805 Progressive jackpot prizes—Procedures—Restrictions—House-banking. Licensees are authorized to operate progressive jackpot prizes in conjunction with approved house-banked card games. Entry into a progressive jackpot is based upon a separate wager by a player, part of which accrues to a progressively increasing prize. A player wins the jackpot prize, or portion thereof, based upon achieving a predetermined pattern or combination of cards. Each licensee operating such games shall ensure they are closely controlled, all the funds collected are accounted for, and prizes and methods of winning are adequately disclosed to players. The following procedures and restrictions apply to progressive jackpots:

Restrictions.

(1) House-banked progressive jackpot restrictions:

(a) The amount of funds accrued to the primary and reserve or secondary jackpots shall increase by a predetermined amount of each wager made, in accordance with the rules of the game;

(b) The amount of the progressive jackpot eligible to be awarded as a prize shall be prominently displayed at each gaming table;

(c) The beginning amount of each progressive jackpot offered must be recorded, including explanations for any increase or decrease in the amount of the prize offered. This documentation shall be maintained with the progressive jackpot records; and

(d) A licensee may establish a maximum limitation on a progressive jackpot prize. If such a limit is established:

(i) The amount must be equal to or greater than the amount of the jackpot when the limit is imposed; and

(ii) A notice of the limit must be conspicuously posted at or near the game;

Adjusting jackpot amounts and prize payouts.

(2) A licensee shall not reduce the amount of a progressive jackpot prize, that has been accrued and displayed to players except as authorized by this section. The following adjustments are allowed to accrued progressive jackpot prizes:

(a) Jackpot prizes of five thousand dollars or less shall be paid out immediately. For prizes over five thousand dollars, a minimum of five thousand dollars must be paid immediately and the remaining balance paid, by check, within twenty-four hours: Provided, That a check shall be issued for the entire prize balance within twenty-four hours, at the player's request. The jackpot and advertised amount shall be reduced only by the amount won;

(b) An adjustment may be made to correct malfunctioning equipment or to prevent the display of an amount greater than a predetermined maximum prize limit; or

(c) A reserve or secondary jackpot may be reduced as long as the funds removed are recorded as gross receipts and are properly documented in the records. A reserve or secondary jackpot may also be reduced to recover seed money that was not taken from gross receipts, provided that those funds are properly documented in the records;

Removing all or portion of a jackpot from play.

(3) House-banked progressive jackpot prizes, which are advertised or displayed in any manner are deemed to be funds for which players have a vested interest and may only be removed from play under the following conditions:

Disbursement.

(a) The director or the director's designee provides the licensee written approval of a plan to disburse all jackpot funds back to the players. The request for approval shall include full details of the distribution plan and shall be conspicuously posted at least ten days prior to distribution. Licensees shall disburse the funds utilizing one or more of the following methods:

(i) By offering the prize on a different house-banked game;

(ii) Offering the prize through means of an approved tournament. All funds must be distributed within sixty days from the date of approval by commission staff; or

(iii) Donating the money to the Washington state council on problem gambling; and

Discontinued jackpot-player notification.

(b) The licensee must notify players of any planned discontinuance, including closure of the business, by conspicuously posting notice for a period of ten days prior to beginning the discontinuance process;

Awarding merchandise prizes with jackpot funds.

(c) Licensees may reduce the jackpot only by the dollar amount paid for the merchandise to be awarded as prizes under the following conditions:

(i) The licensee discloses to the public that a specific portion of these jackpot funds were used to purchase merchandise to be awarded as prizes, as well as the specific prize to be awarded;

(ii) The merchandise is awarded as a prize on the specific outcome of a game and is included in the game rules;

(iii) The merchandise prizes shall be owned by the licensee and paid for in full, without lien or interest of others, prior to the prize being awarded: Provided, That when the winner has an option to receive a cash prize in lieu of such merchandise, a licensee may enter into a contract to immediately purchase a merchandise prize after the winner chooses their option;

(iv) The licensee must disclose the value of the merchandise to be awarded. This value must be true and verifiable; and

(v) Detailed records, including purchase invoice, are maintained on premises and available for review by commission staff;

Temporarily removing a jackpot from play.

(4) A licensee may temporarily remove a progressive jackpot game from play subject to the following conditions:

(a) The removal and reasons must be approved in writing by commission staff; and

(b) The disruption is caused by circumstances beyond the control of the licensee, or for other good cause (for example: Remodeling the card room); and

(c) Players are notified of the disruption and the estimated date of continuance.

[Statutory Authority: RCW 9.46.070. 03-20-009 (Order 424), § 230-40-805, filed 9/18/03, effective 1/1/04; 01-13-091 (Order 403), § 230-40-805, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-40-805, filed 4/14/00, effective 5/15/00.]

WAC 230-40-815 Administrative and accounting control structure—Organization—House-banking. Each licensee operating a house-banked card game shall ensure that all games are closely controlled, operated fairly and in accordance with all rules of the commission. The following control procedures and conditions shall be met:

Internal controls.

(1) The licensee shall have a system of internal controls that include at least the following:

(a) Administrative controls, which include, but are not limited to, the organization's plan, procedures, and records concerned with decision processes leading to management's authorization of transactions; and

(b) Accounting controls which include the licensee's plan, procedures, and records concerned with the safeguarding of assets and the reliability of financial records. These controls must be designed to provide reasonable assurance that:

(i) Transactions are executed in accordance with management's general and specific authorization;

(ii) Transactions are recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles, and to maintain accountability for assets;

(iii) Access to assets is permitted only in accordance with management's authorization; and

(iv) The recorded accountability for assets is compared with existing assets at least annually and appropriate action is taken within five working days with respect to any differences.

Administrative controls.

(2) The licensee's system of administrative controls shall provide for the following:

(a) Competent personnel with an understanding of prescribed procedures;

(b) The segregation of incompatible functions so that no employee is in a position to perpetrate and conceal errors or irregularities in the normal course of his or her duties; and

(c) Each employee of a house-banked card room shall be licensed by the commission and shall be knowledgeable in all

accounting and internal control practices and procedures relevant to each employee's individual function.

Separate departments and functions.

(3) The licensee shall, at a minimum, establish the following departments or functions that shall be independent from all other departments or functions:

Surveillance.

(a) A surveillance department which shall not include security functions or personnel. The head of surveillance shall be responsible for, but not limited to, the following:

(i) The clandestine surveillance of the operation and conduct of the table games;

(ii) The clandestine surveillance of the operation of the cashier's cage;

(iii) The video and audio recording of activities in the count rooms;

(iv) The detection of cheating, theft, embezzlement, and other illegal activities in the gaming facility, count rooms, and cashier's cage;

(v) The video recording of unusual or suspected illegal activities;

(vi) The notification of appropriate supervisors and commission staff, within three working days, upon the detection of cheating, theft, embezzlement, or other illegal activities;

(vii) Ensuring that each dealer is evaluated to determine if all required dealer procedures and techniques set forth in the licensee's approved internal controls are followed; and

(viii) Ensuring all surveillance employees have a demonstrated knowledge of the following:

(A) Operating surveillance systems;

(B) Rules of play and procedures for the games being played; and

(C) The overall procedures relating to the duties of all employees of the house-banked card room being monitored (dealers, shift managers, floor supervisors, cage cashier's and count team members).

Security.

(b) A security department, supervised by a security department manager, is responsible for at least the following:

(i) Control of cards and dealing shoes, including storage of new and used cards and shoes, and control of the disposition and/or destruction of same when removed from service; and

(ii) Transfer of cash and chips to and from the gaming tables, cage and count room.

Gaming operations.

(c) A gaming operation department supervised by a gaming operation department manager who shall be responsible for the operation of all house-banked card games conducted by ensuring the following:

(i) Card games are operated by licensed dealers who are assigned to each gaming table;

(ii) A floor supervisor is assigned the responsibility for the overall supervision of the conduct of gaming within a pit and can supervise no more than five tables: Provided, That a single supervisor may supervise up to seven tables, if only seven tables are in operation and the layout was preapproved by commission staff;

(iii) A licensee which utilizes two separate areas of a gaming establishment shall require at least one supervisor in each area; and

(iv) A shift manager, who reports to the gaming operation department manager, is assigned to supervise floor supervisors and all gaming related activities that occur during each shift. In the absence of the gaming operation department manager, the shift manager shall have the authority of a gaming operation department manager: Provided, That in addition to the floor supervisors required in this subsection, licensees operating more than ten tables shall be required to have a shift manager on the premises.

Accounting.

(d) An accounting department supervised by an individual who shall report directly to the chief executive officer or chief operations officer. The responsibilities of the accounting department shall include, but not be limited to, the following:

(i) Implementing and monitoring of accounting controls;

(ii) The preparation, control, and storage of records and data required;

(iii) The control of unused forms inventory along with reconciliation of forms used; and

(iv) The control and supervision of the cashier's cage.

Modifications.

(4) Any changes to the licensee's system of internal controls must be submitted to commission staff and be approved prior to implementation.

Employees shall be informed of internal controls.

(5) All licensed operators shall inform their card room employees of the internal controls related to their respective area of responsibility. Furthermore, both the operator and all card room employees shall follow these internal controls at all times.

[Statutory Authority: RCW 9.46.070. 03-09-076 (Order 418), § 230-40-815, filed 4/16/03, effective 7/1/03; 01-13-091 (Order 403), § 230-40-815, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-40-815, filed 4/14/00, effective 5/15/00.]

WAC 230-40-821 General accounting records—House-banking. Every licensee authorized to offer house-banked card games shall keep and maintain a complete set of records, which have been approved by commission staff. Such records shall include all details of activities related to the conduct of the licensed activity. The following requirements shall apply:

Revenue and expenses.

(1) Each licensee shall maintain legible, accurate and complete records of all transactions relating to the revenues and costs of the gaming operation. These records shall be maintained in a format to ensure consistency, comparability, and effective disclosure of financial information.

General accounting records.

(2) General accounting records shall be maintained on a double entry system of accounting with transactions recorded on an accrual basis, to include detailed, supporting, subsidiary records, sufficient to meet the requirements below.

Recordkeeping.

(3) The detailed, supporting and subsidiary records shall include, but not necessarily be limited to:

(a) Records of all patrons' checks initially accepted, deposited, and returned as "uncollected," and ultimately written off as "uncollectible";

(b) Statistical game records to reflect drop and win amounts for each table, for each game, and for at least each period for which the drop boxes are removed, which shall be at the minimum, the end of each gaming day;

(c) Records of investments in property, including, but not limited to, equipment used directly in connection with the gaming operation;

(d) Records of amounts payable by the gaming operation;

(e) Records which identify the purchase, receipt, and destruction of all cards and gaming chips used in wagering; and

(f) Records of services provided for the operation of gaming activities.

Copies.

(4) Whenever duplicate or triplicate copies are required of a form, record or document:

(a) The original, duplicate, and triplicate copies shall be color-coded;

(b) If under these standards, forms, records, and documents are required to be inserted in a locked dispenser, the last copy shall remain in a continuous unbroken form in the dispenser; and

(c) If under these standards, forms or serial numbers of forms are required to be accounted for or copies of forms are required to be compared for agreement and exceptions noted, such exceptions shall be reported immediately to the commission for investigation.

Storing documents.

(5) All forms, records, documents and stored data required to be prepared, maintained and controlled shall:

(a) Have the title of the form, record, document, or stored data (such as "fill slip," "request for fill," "credit slip," "request for credit," "reconciliation," etc.), imprinted or preprinted thereon or therein; and

(b) All records shall be maintained for a period of not less than three years. At least the past six months of records must be available for inspection on premises.

Employee records.

(6) Licensees shall maintain a records system that ensures all applicable employees have met licensing requirements. The system shall be maintained on the premises and include the following:

(a) Employee names;

(b) Gambling license numbers;

(c) Gambling license expiration dates; and

(d) Photocopies of all current employees' licenses.

Record of employees who have not yet received a license.

(7) If an employee license has not yet been issued, the licensee shall maintain a copy of the following:

(a) Temporary employment authorization;

(b) Documentation that the required payment (license or transfer fee) has been made; and

(c) Proof that the employee has adhered to the ten-day waiting period, if applicable.

Notification - new license not received.

(8) The licensed card room operator shall ensure commission staff is notified if an employee license has not been received within sixty days of employment.

[Statutory Authority: RCW 9.46.070. 03-20-009 (Order 424), § 230-40-821, filed 9/18/03, effective 1/1/04; 01-13-091 (Order 403), amended and recodified as § 230-40-821, filed 6/19/01, effective 7/20/01. Statutory Authority: RCW 9.46.070 and 34.05.230. 01-01-016 (Order 396), § 230-08-027, filed 12/6/00, effective 1/6/01. Statutory Authority: RCW 9.46.070. 00-09-052 (Order 383), § 230-08-027, filed 4/14/00, effective 5/15/00.]

WAC 230-40-825 Closed circuit television system—House-banking. Critical activities related to the operation of house-banked card games shall be closely monitored by the use of a closed circuit television (CCTV) system and recorded using analog and/or digital recording equipment. Each house-banked card room licensee shall install and maintain a CCTV system that meets the following requirements.

Camera coverage.

(1) The following areas are required to be viewed by the CCTV system:

(a) All gaming at each table including, but not limited to, the following:

(i) Cards;

(ii) Wagers;

(iii) Chip tray;

(iv) Drop box openings;

(v) Card shoe;

(vi) Shuffling devices; and

(vii) Players and dealers.

(b) All activity in the pits.

(c) All activity in the cashier's cage including, but not limited to, the:

(i) Outside entrance;

(ii) Fill/credit dispenser;

(iii) Customer transactions;

(iv) Cash and chip drawers;

(v) Vault/safe;

(vi) Storage cabinets;

(vii) Fill or credit transactions; and

(viii) Floor.

(d) All activity in the count room including, but not limited to, the:

(i) Count table;

(ii) Floor;

(iii) Counting devices;

(iv) Trolley;

(v) Drop boxes;

(vi) Storage shelves/cabinets; and

(vii) Entrance and exits.

(e) The movement of cash, gaming chips, and drop boxes.

(f) Entrances and exits to the card room.

Camera requirements.

(2) The CCTV system shall consist of light sensitive cameras including those with pan, tilt, and zoom (PTZ) capabilities having the ability to determine card and chip values and the configuration of wagers at each gaming table. Each video camera shall be capable of having its images displayed on a video monitor and recorded. Cameras shall be installed in a manner that will prevent them from being readily obstructed, tampered with, or disabled by patrons or employees. PTZ cameras shall be placed behind a smoked dome, one-way mirror or similar materials that conceal the camera from view. Installed cameras shall cover the areas required by this rule and shall include at a minimum:

(a) At least one fixed camera focused over each gaming table covering the entire layout;

(b) A sufficient number of fixed and/or PTZ cameras permanently programmed for the purposes of monitoring players and dealers at each gaming table. The PTZ cameras must be capable of viewing each patron and dealer at each gaming position at least once every five minutes;

(c) A sufficient number of PTZ cameras for the purpose of determining the configuration of wagers and card values at each gaming table. Any time a winning wager, including jackpot or bonus payouts in excess of five hundred dollars are won, surveillance shall utilize this camera to verify the winning hand, the amount of the wager, and the player who won the prize. Each licensee shall have documented procedures in their internal controls stipulating the manner in which this will be carried out;

(d) A sufficient number of fixed and/or PTZ cameras in the cage(s);

(e) A sufficient number of fixed and/or PTZ cameras in the count room; and

(f) Any other location as deemed necessary by commission staff.

Video recording equipment requirements.

(3) Video recording equipment shall meet the following requirements:

(a) **Analog recording,** including audio recording where required, using a video cassette recorder, shall comply with the following requirements:

(i) Images shall be recorded at a rate of not less than twenty frames per second on standard VHS format; and

(ii) Recorded images shall accurately reflect the time and date of the video recording. If multiple time and date generators are used, they shall be synchronized to the same time and date; or

(b) **Digital recording,** including audio recording where required, using a hard drive storage system, shall comply with the following requirements:

(i) All images shall be recorded on a hard drive;

(ii) Recording systems shall be locked by the manufacturer to disable the erase and reformat functions to prevent access to system data files;

(iii) The system must provide uninterrupted recording of surveillance, this shall include during playback or copying;

(iv) Recording systems shall be capable of copying original images maintaining the original native format;

(v) Images shall be stored at a rate of not less than twenty-five images per second;

(vi) Resolution shall be 640 x 480 or higher;

(vii) Images shall be stored in a format that is readable by commission computer equipment;

(viii) Images shall be stored in a format that contains a method to verify the authenticity of the original recording and copies;

(ix) Recorded images shall include the accurate time and date the video was originally recorded;

(x) Previously recorded material may be overwritten after seven continuous days of gaming; and

(xi) Recording systems shall be equipped with an uninterruptible power source to allow a proper system shutdown.

Use of multiplexing and quad recording devices.

(4) Multiplexing/quad recording devices may only be used for external surveillance, movement of drop boxes between tables and the count room, and on entrances and exits: Provided, That split screen devices may be utilized for areas not required to have surveillance coverage.

Recording of illegal or suspicious activities.

(5) Illegal or suspicious activities within the monitored portion of the licensed premises shall be reported to commission staff, pursuant to WAC 230-40-815 (3)(a)(v) through (vi). Additionally, licensees shall ensure two copies of the entire recorded image sequence are made reflecting the questioned activity. One copy shall be provided to commission staff or other law enforcement representatives upon demand and the other copy maintained by the licensee for a period of thirty days.

Activities to be recorded.

(6) Video signals from all cameras shall be recorded when:

(a) Gaming tables are in operation;

(b) Drop boxes or chip trays are stored on the gaming tables;

(c) Drop boxes are being transported; or

(d) Drop box contents are being counted.

Video monitors.

(7) The CCTV system shall include a sufficient number of video monitors to simultaneously view multiple gaming tables, the cashier's cage, and count room activities.

Surveillance room.

(8) The licensee shall maintain one or more surveillance rooms with the following minimum requirements:

(a) The surveillance room shall have controlled access and be used solely by the employees of the surveillance department assigned to monitor activities: Provided, That this restriction does not apply to owners or approved supervisory or management personnel.

(b) Commission agents and law enforcement personnel shall be provided immediate access to the surveillance room upon request.

(c) Entrances to surveillance rooms shall not be readily observable from the gaming operation area.

(d) The licensee shall ensure a surveillance employee is present in the surveillance room and monitoring the activities of the operation, via the surveillance room equipment, any time the card room is open to conduct gaming and during the count process: Provided, That the licensee may allow the surveillance room to operate without staff for a period not to exceed thirty minutes per shift for the purpose of routine breaks.

Surveillance activity log.

(9) The licensee shall maintain a record of all surveillance activities in the surveillance room. A surveillance log shall be maintained by surveillance personnel and shall include, at a minimum, the following:

(a) Date and time of surveillance;

(b) Person initiating surveillance;

(c) Time of termination of surveillance;

(d) Summary of the results of the surveillance; and

(e) A record of any equipment or camera malfunctions.

Employee sign-in log.

(10) A surveillance room sign-in log shall be maintained to document the time each surveillance employee monitors the card room. The surveillance sign-in log shall be available for inspection at any time by commission staff or law enforcement personnel.

Labeling and storing video and audio recordings.

(11) Video and audio recordings shall be marked to denote the activity recorded and retained for a period necessary to afford commission staff or law enforcement personnel reasonable access. The following minimum retention periods apply to recordings:

(a) Recordings shall be retained for a minimum of seven complete gaming days;

(b) Recordings of evidentiary value shall be maintained as requested by commission staff; and

(c) Tapes documenting jackpot payouts over three thousand dollars shall be retained for at least thirty days; and

(d) Commission staff may increase any of the retention requirements noted in this section by notifying the licensee.

Dispute resolution.

(12) In the event there is not sufficient clarity due to violations of the above requirements, the burden will be on the licensee to prove any action taken was warranted. Otherwise, all disputes shall be resolved in favor of the player: Provided, That a review by commission staff may be requested if the licensee feels circumstances warrant, for example, cheating has occurred.

[Statutory Authority: RCW 9.46.070. 03-17-044 (Order 422), § 230-40-825, filed 8/15/03, effective 9/15/03; 03-09-076 (Order 418), § 230-40-825, filed 4/16/03, effective 7/1/03; 01-13-091 (Order 403), § 230-40-825, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-40-825, filed 4/14/00, effective 5/15/00.]

WAC 230-40-860 Table inventories and procedures for opening tables for house-banked card games. Procedures shall be established to ensure proper accountability of gaming chips and coins stored at gaming tables and for beginning play at such tables. The following restrictions and procedures apply:

Removing and adding table inventory.

(1) Whenever a gaming table is opened for gaming, operations shall commence with an amount of gaming chips and coins to be known as the "table inventory" and the licensee shall not cause or permit gaming chips or coins to be added to or removed from such table inventory during the gaming day except:

(a) In exchange for cash from patrons;

(b) In payment of winning wagers and collection of losing wagers made at such gaming table;

(c) In exchange for gaming chips received from a patron having an equal aggregate face value; and

(d) In conformity with procedures set forth in WAC 230-40-865 and 230-40-870.

Storing containers and inventory slips.

(2) Each table inventory and the table inventory slip prepared in conformity with the procedures set forth in WAC 230-40-875 shall be stored during nongaming hours in a separate locked, clear container which shall be clearly marked on the outside with the game and the gaming table number to which it corresponds. The information on the table inventory slip shall be visible from the outside of the container. All containers shall be stored in the cashier's cage during nongaming hours: Provided, That containers may be secured at the gaming table if under recorded surveillance.

Keys to locked containers.

(3) The keys to table inventory containers shall be maintained and controlled by the gaming operation department in a secure place and shall at no time be made accessible to any cashier's cage personnel or to any person responsible for transporting such table inventories to or from the gaming tables.

Opening tables for play.

(4) Licensees shall abide by the following procedures when opening gaming tables for play:

(a) The locked container securing the table inventory and the table inventory slip shall be unlocked by the gaming operation supervisor assigned to such table;

(b) A dealer assigned to the gaming table shall prove the contents of the container in the presence of the gaming operation supervisor assigned to such table and shall compare the count to the "opener," as defined in WAC 230-40-875, removed from the container. The procedures used to prove the chip and coin inventory shall be set forth in the licensee's internal controls;

(c) Signatures attesting to the accuracy of the information on the opener shall be placed on such "opener" by the dealer assigned to the table and the gaming operation supervisor that observed the dealer count the contents of the container;

(d) Any discrepancy between the amount of gaming chips and coins counted and the amount of the gaming chips and coins recorded on the "opener," shall be immediately reported to the gaming operation manager, assistant gaming operation manager, or gaming operation shift manager in charge at such time. The manager in charge shall complete the notification of error slip, which will be verified by security and transported to accounting or the cashier's cage. Accounting will maintain a copy in the log containing the notification of error slips. The licensee shall notify commission staff within twenty-four hours of errors of two hundred dollars or more or if there is a pattern relating to regular shortages;

(e) After the count of the contents of the container and the signing of the "opener," such slip shall be immediately deposited in the drop box attached to the gaming table by the dealer.

[Statutory Authority: RCW 9.46.070. 03-09-076 (Order 418), § 230-40-860, filed 4/16/03, effective 7/1/03; 00-09-052 (Order 383), § 230-40-860, filed 4/14/00, effective 5/15/00.]

WAC 230-40-875 Closing gaming tables—House-banking. Procedures shall be followed for closing gaming tables that ensure proper accountability of gaming chips and coins. The following restrictions and procedures apply:

Counting chips and coins.

(1) Whenever the gaming activity at each gaming table is concluded for the day, the gaming chips and coins shall be counted by the dealer assigned to the gaming table and observed by a gaming operation supervisor. The entire count and closure process shall be monitored and recorded by the surveillance department.

Recording the count.

(2) The gaming chips and coins counted shall be recorded on a table inventory slip by the gaming operation supervisor assigned to the gaming table.

Table inventory slips.

(3) Table inventory slips shall be three-part serially prenumbered forms and on the original of the slip (closer), the duplicate of the slip (opener), and on the triplicate, which is maintained and controlled by security, the gaming operation supervisor shall record the following:

(a) The date and identification of the shift ended;

(b) The game and table number;

(c) The total value of each denomination of gaming chips and coins remaining at the tables; and

(d) The total value of all denominations of gaming chips and coins remaining at the gaming tables.

Verification signatures.

(4) Signatures attesting to the accuracy of the information recorded on the table inventory slips at the time of closing the gaming tables shall be of the dealer and the gaming operation supervisor assigned to the gaming table who observed the dealer count the contents of the table inventory.

Distributing table inventory slips.

(5) Upon meeting the signature requirements:

(a) The closer shall be deposited in a drop box attached to the gaming table immediately prior to the closing of the table;

(b) The opener and the gaming chips and coins remaining at the table shall be placed in a clear container provided for that purpose after which the container shall be locked; and

(c) The triplicate copy of the table inventory slip shall be forwarded to the accounting department by a security department employee.

VOID procedures.

(6) In the event the closer is voided, the preparer shall void this form by writing the word "VOID" on all copies of the form. All copies of the form shall then be forwarded to the accounting department.

(7) At the end of each gaming day, if the locked containers are transported to the cashier's cage, a cage cashier shall determine that all locked containers have been returned to the cage and adequately secured or, if the locked containers are secured to the gaming table, a gaming operation supervisor shall account for all the locked containers.

Removing drop boxes from tables.

(8) In the event drop boxes are removed from gaming tables at other than the close of the gaming day, they shall be removed at a shift change. A table inventory slip shall be prepared as required above with the incoming and outgoing supervisor verifying the inventory and signing.

[Statutory Authority: RCW 9.46.070. 03-09-076 (Order 418), § 230-40-875, filed 4/16/03, effective 7/1/03; 01-13-091 (Order 403), § 230-40-875, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-40-875, filed 4/14/00, effective 5/15/00.]

WAC 230-40-895 Key control—House-banking. All activities related to the operation of house-banked card games shall be closely monitored and controlled. The following restrictions and operating procedures shall apply for control of card room keys to restrict access to areas by unauthorized card room employees.

Specifications.

(1) Each licensee shall install and maintain key control boxes that meet at least the specifications set forth below:

(a) Constructed of metal with a minimum of one keylock mechanism: Provided, That coded key boxes or combination key boxes are permitted;

(b) Be attached to a permanent structure without visibility of hardware used to attach the key box;

(c) Be tamper proof;

(d) Have keys stored therein to be easily identifiable, labeled, and displayed individually in numeric or alphabetic order; and

(e) The physical location of key control boxes may be determined by each licensee. The location shall not permit an individual to gain access to a restricted area that he/she would otherwise not be allowed to enter. If key boxes are located in areas where unauthorized individuals have access, that person may only have custody of the key and open the key box

in the presence of the key custodian; or while under camera coverage.

Access.

(2) Individual key control boxes shall be maintained by at least four departments including gaming operations, accounting, security, and surveillance. Access to key control boxes shall be limited to the licensed card room employee(s) responsible for overall supervision or management of the operation for which the box is maintained. Keys shall be controlled in the following manner:

Gaming operations department.

(a) Keys included in the key control box maintained by the gaming operations department shall include:

(i) Key to each pit podium;

(ii) Key(s) to drawers and other locking cabinets located in each pit podium;

(iii) Key to remove the clear plastic cover from the container used to store gaming chips and secured to the gaming tables;

(iv) Key to the second lock on the enclosed storage cabinet or trolley used to store or transport all drop boxes removed from the gaming tables;

(v) Key to all upper tier and lower tier jackpot payout boxes included with authorized card games;

(vi) Key to all electrical control boxes used to maintain authorized card games; and

(vii) Other keys included in the licensee's internal controls and approved by commission staff.

Security department.

(b) Keys included in the key control box maintained by security shall include:

(i) Key to the lock used to secure the count room door;

(ii) Key utilized to unlock and reset the drop boxes from the gaming tables;

(iii) Key to the first lock on the enclosed storage cabinet or trolley used to store or transport all drop boxes removed from the gaming tables to the count room;

(iv) Key to the storage cabinet(s) or other secure facility used to store the card inventory including decks which have not been placed into play and decks removed from play and waiting to be destroyed;

(v) Key to main entry or access door of the card room; and

(vi) Other keys included in the licensee's internal controls and approved by commission staff.

Accounting department.

(c) Keys included in the key control box maintained by the accounting department shall include:

(i) Key to the lock securing the contents of the drop boxes;

(ii) Key to the rear of the locked dispenser used to store the triplicate of the fill/credit slips in a continuous, unbroken form;

(iii) Key to the door to the cashier's cage;

(iv) Key to reset the lock to the drop boxes;

(v) Keys included in the licensee's internal controls and approved by commission staff;

(vi) Keys maintained by the cashier's cage including:

(A) Key(s) to each cashier's window drawer;

(B) Key to the chip drawer or fill bank;

(C) Key to the vault or safe;

(D) Key to the door to the cashier's cage;

(E) Key to the front of the locked dispenser used to store the triplicate of the fill/credit slips in continuous, unbroken form;

(F) Other keys included in the licensee's internal controls and approved by commission staff; and

(G) Key(s) to the dealer tip boxes.

Surveillance department.

(d) Keys included in the key control box maintained by surveillance shall include:

(i) Key to the room used for clandestine surveillance; and

(ii) Key to the storage cabinet(s) or locker(s) used to maintain surveillance recordings of evidentiary value or recordings documenting details of jackpot payouts.

Owner/CEO master key box.

(e) A master key control box may be maintained with access strictly limited to the owner(s) or chief operating officer responsible for exercising the overall management or authority over all the operations of the card room and may include:

(i) All spare or extra keys for the areas noted above.

(ii) Other keys included in the licensee's internal controls and approved by commission staff.

Control log.

(3) Each licensee shall maintain for each key control box, a key control log used to record the issuance of and return of all keys used to control the restricted access areas by card room employees identified. The key control log shall be maintained in the format prescribed by the commission.

Keys to key control box.

(4) Keys to secure the contents of each key control box required above shall be strictly controlled as follows.

(a) There shall be one key for each key control box which shall be controlled by the manager of the department for which the key control box is designated. This key shall be distributed to the manager or supervisor in charge and maintained in their possession when gaming is being conducted.

(b) Keys to each key control box will be maintained in a secure manner as approved by commission staff and documented in the licensee's written internal controls.

(c) All spare or duplicate keys to the key control boxes identified above will be maintained in the master key control box and be controlled by the owner(s).

Electronic key control systems.

(5) Licensees may utilize electronic key control systems, if reviewed and approved in writing by the director or the director's designee.

Extra key control box - emergencies only.

(6) For emergency situations, licensees may maintain an additional key control box which can be accessed on a limited basis to protect the safety of employees. The key control boxes which meet this requirement shall be preapproved by commission staff.

[Statutory Authority: RCW 9.46.070. 03-09-076 (Order 418), § 230-40-895, filed 4/16/03, effective 7/1/03; 01-13-091 (Order 403), § 230-40-895, filed 6/19/01, effective 7/20/01; 00-09-052 (Order 383), § 230-40-895, filed 4/14/00, effective 5/15/00.]

Title 232 WAC

FISH AND WILDLIFE, DEPARTMENT OF (WILDLIFE)

Chapters

232-12	**Permanent regulations.**
232-16	**Game reserves.**
232-19	**Department of game SEPA procedures.**
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Chapter 232-12 WAC
PERMANENT REGULATIONS

WAC

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232-12-289	Official hunting hours for game birds and game animals.
232-12-828	Hunting of game birds and animals by persons with a disability.

WAC 232-12-016 Nonnative aquatic species. The following provisions apply to nonnative aquatic species except nonnative species in ballast water, which are provided for in chapter 220-77 WAC. The definitions of invasive species, prohibited aquatic animal species, regulated aquatic animal species, unregulated aquatic animal species, unlisted aquatic animal species and aquatic plant species as used in this section are the same as in RCW 77.08.010.

(1) Request for designation of unlisted aquatic animal species prior to release. Unlisted nonnative aquatic animal species must be reviewed and designated for classification by the commission as either regulated aquatic animal species or unregulated aquatic animal species prior to approval for release into state waters. A request for classification of an unlisted nonnative aquatic animal species shall be treated as a petition to amend WAC 220-12-090, and made on the OFM-01 form. Upon receipt of a petition, the department shall initially classify the species as a prohibited species until the review is complete. In addition to the OFM-01 form, a person requesting classification must provide the following information in order to present a complete request for designation for classification:

(a) Common and scientific name, reason for release, source of the animals proposed for release, and number of animals proposed for release.

(b) Native range of the species, assessment of potential positive and negative impacts of the release, citation of available scientific literature on release of the species in other nonnative locales, known potential for displacement of native species, hybridization with or predation upon native species, and disease or parasite transmission.

(c) Estimate of technical and economic feasibility of eradicating or controlling spread of the species once it is introduced into state waters.

(2) Provisions applying to prohibited aquatic animal species.

(a) Zebra mussels: It is unlawful to import live aquatic organisms, including plants, for release into state waters from any state or Canadian province east of the Continental Divide without each importation being accompanied by a zebra mussel-free certificate issued by the department and signed by the supplier of the aquatic organisms. The original receiver in the state of Washington of the shipment of aquatic organisms is required to retain the zebra mussel-free certificate for two years. Secondary receivers, while in possession of live aquatic organisms, are required to retain invoices or other records showing who was the original receiver.

(b) Scientific research or display: The director may authorize, by prior written permit, a person to possess prohibited aquatic animal species for scientific research or display, provided:

(i) Specimens are confined to a secure facility, defined as an enclosure that will prevent the escape or release of prohibited aquatic animal species into a natural watercourse, and specimens are inaccessible to wildlife or other animals that could transport prohibited aquatic animal species.

(ii) Specimens are not transferred to any other facility without written approval by the director or designee.

(iii) All zebra mussels are incinerated or chemically preserved at the conclusion of the project, and the enclosure, holding waters and all equipment are disinfected. All other prohibited aquatic animal species must be killed at the conclusion of the project and either chemically preserved or disposed of in a landfill.

(iv) The permittee provides an annual report to the department, no later than January 31 of the following year, on a form provided by the department, describing the number, size and location of prohibited aquatic animal species enclosures and general nature of the research.

(c) Monitoring and control programs: The director may authorize persons working within the scope and supervision of a department-sponsored monitoring and control program to capture, possess and destroy prohibited aquatic animal species, provided:

(i) The persons have completed a mandatory training program and are certified by the department;

(ii) The persons have a permit authorized by the director or designee in possession;

(iii) All prohibited aquatic animal species are disposed of in accordance with the monitoring and control program; and

(iv) Participants submit a report to the department within thirty days of any monitoring or control activity in accordance with the specifications outlined in the monitoring and control program.

(d) Capture of prohibited species in state waters. Prohibited aquatic animal species that are captured in state waters and not immediately returned to the water from which they were captured must be killed before removing the prohibited aquatic animal species from within the riparian perimeter of the body of water.

(e) It is lawful to possess dead vertebrate prohibited aquatic animal species taken from state waters, and it is lawful to possess chemically preserved nonvertebrate prohibited aquatic animal species from any source. No permit is required for possession under this subsection.

(f) Prohibited aquatic animals held in commercial and personal possession prior to classification. A person who possessed a prohibited aquatic animal species prior to the time the species was classified as prohibited may continue to hold the animal or animals for the life of the animals, provided:

(i) The person must maintain proof of possession prior to the classification.

(ii) The animals may not be transferred to another owner within the state.

(iii) The person must comply with all provisions of this section.

(iv) The animals must be prevented from reproducing, or if prevention is impracticable, the progeny must be destroyed.

(3) Infested waters.

(a) The following bodies of waters are infested with invasive aquatic plants or prohibited aquatic animal species. In these waters:

(i) It is unlawful to use aquatic animals from these waters for bait in the infested waters or any other waters.

(ii) All aquatic vegetation must be removed from lines, nets, motors, and all other equipment when the equipment is removed from the infested waters.

(iii) It is unlawful to transport water from these bodies of water, and bait containers, live wells, and bilges must be emptied before leaving the riparian perimeter of the body of water, except:

(A) Water may be transported in emergencies, such as a fire emergency.

(B) Water may be withdrawn and used under a water appropriation or public waters work permit issued by the department of ecology.

(b) List of infested waters:

Adams County: Herman and Hutchison lakes.

Chelan County: Chelan, Cortez, Domke, Fish, Roses and Wapato lakes.

Clallam County: Sutherland Lake.

Clark County: Battleground, and Lacamas lakes, Klineline Pond, Caterpillar Slough, Columbia River adjacent to Ridgefield National Wildlife Refuge.

Columbia, Franklin and Walla Walla counties: Herbert G. West Lake, Snake River.

Cowlitz County: Kress and Silver lakes, Soho and Willow Grove sloughs.

Ferry County: Twin Lake.

Franklin County: Kahlotus and Sacajawea lakes, Scooteney Reservoir, Snake River.

Grant County: Babcock Ridge, Banks, Billy Clapp, Burke, Caliche, Canal, Corral, Corral Southwest, Moses, Priest Rapids, Quincy, Stan Coffin, Warden, and Windmill lakes, unnamed potholes at Dodson Frenchman and Frenchman Hills Nos. 1 through 4, Evergreen and Potholes reservoirs, Rocky Ford Creek and Winchester Wasteway.

Grays Harbor County: Duck and Failor lakes, Grays Harbor.

Island County: Crockett and Lone lakes.

Jefferson County: Crocker and Leland lakes.

King County: Alice, Angle, Bass, Desire, Fenwick, Geneva, Green, Killarney, Lucerne, Meridian, Nielson (Holm), Otter (Spring), Phantom, Pine, Pipe, Sammamish, Sawyer, Shadow, Shady, Spring, Steel, Twelve, Union, Washington, and Wilderness lakes.

Kitsap County: Buck, Horseshoe, Long, Mission, Square, Tahuya, and Wye lakes.

Kittitas County: Lavendar and Mattoon lakes.

Klickitat County: Celilo, Horsethief, and Spearfish lakes, Columbia River.

Lewis County: Carlisle, Mayfield, Plummer, and Riffe lakes, Swofford Pond, Chehalis and Cowlitz rivers and the Interstate Avenue Slough.

Mason County: Isabella, Island, Limerick, Mason, Spencer, and Trails End (Prickett) lakes.

Okanogan County: Conconully, Green, Osooyoos, Palmer, Pearrygin, and Whitestone lakes, Okanogan River.

Pacific County: Black, Island, Loomis, and O'Neil lakes, Willapa Bay.

Pend Oreille County: Davis, Diamond, Fan, Horseshoe, Mashall, Nile, and Sacheen lakes, Little Spokane and Pend Oreille rivers.

Pierce County: Bay, Clear, Harts, Hidden, Ohop, Rapjohn, Spanaway, Tapps, and Whitman lakes.

San Juan County: Sportsman Lake.

Skagit County: Beaver, Big, Campbell, Clear, Erie, Heart, Mcmurray, and Sixteen lakes.

Skamania County: Coldwater and Drano lakes, Columbia River.

Snohomish County: Goodwin, Meadow, Nina, Roesiger, Shoecraft, Silver, Stevens, and Swartz lakes.

Spokane County: Eloika, Liberty, Long, Newman, and Silver lakes.

Stevens County: Black, Deep, Gillette, Heritage, Loon, McDowell, Sherry, Thomas, and Waitts lakes, Long Lake Reservoir.

Thurston County: Capitol, Hicks, Long, Munn, Scott, and Ski lakes, Black and Chehalis rivers.

Wahkiakum County: Columbia River and Brooks Slough.

Walla Walla County: Snake River.

Whatcom County: Terrell and Whatcom lakes.

Whitman County: Bryan and Lower Granite lakes, Snake River.

Yakima County: Buena, Byron, Dog, and Freeway (Rotary) lakes, unnamed ponds at 12N - 19E - 20, Yakima River.

(4) Aquaculture provisions. It is unlawful to fail to comply with the following provisions regarding aquaculture and waters containing prohibited aquatic animal species or invasive aquatic plant species.

(a) When a natural body of water is designated by rule as infested, ongoing aquaculture operations in that body of water are restricted from transferring product, equipment or associated materials until such time as the operator of the aquaculture operation submits to the department a plan to prevent the spread of invasive aquatic plants and prohibited aquatic animal species, and has received approval from the department of such plan.

(b) Artificial water basins found to be infested with prohibited aquatic animal species are required to have the water sterilized before continuing aquaculture operations, and any private sector cultured products in such waters must be killed before sale or transfer.

(c) By permit from the department, water from bodies of water infested with invasive aquatic plants may be used in artificial water basins for aquaculture, provided that the water is treated to eliminate invasive aquatic plants prior to use.

(5) Violations of this section involving invasive aquatic animal species is punishable under RCW 77.15.253.

(6) Violations of this section involving invasive aquatic plants is punishable under RCW 77.15.290.

[Statutory Authority: RCW 77.12.047. 04-01-096 (Order 03-312), § 232-12-016, filed 12/16/03, effective 1/16/04; 02-19-007 (Order 02-223), § 232-12-016, filed 9/5/02, effective 10/6/02.]

WAC 232-12-045 Hunting equipment restrictions. It is unlawful to hunt deer or elk with the aid of infrared night vision equipment or with laser sights (not to include range finders) capable of projecting a beam onto the target, while in possession or control of a firearm, bow and arrow, or crossbow.

[Statutory Authority: RCW 77.12.047. 03-13-047 (Order 03-129), § 232-12-045, filed 6/12/03, effective 7/13/03.]

WAC 232-12-051 Muzzleloading firearms. (1) It is unlawful to carry or possess any firearm during muzzleloading seasons which does not meet the following specification for a muzzleloader. A muzzleloading firearm is loaded from the muzzle and uses black powder or a black powder substitute as recommended by the manufacturer for use in muzzleloading firearms. A muzzleloading firearm has a single or double barrel of at least 20 inches, rifled or smooth-bored. Ignition is to be wheel lock, matchlock, flintlock, or percussion using original style percussion caps that fit on the nipple and are exposed to the elements. Sights must be open, peep or of other open sight design. Fiber optic sights are legal. Telescopic sights or sights containing glass are prohibited. It is unlawful to have any electrical device or equipment attached to a muzzleloading firearm while hunting.

(2) A muzzleloading firearm used for deer must fire a single, nonjacketed lead projectile of nominal 40 caliber or larger, except that buckshot size #1 or larger may be used in a smoothbore of 60 caliber or larger.

(3) A muzzleloading firearm used for all other big game must fire a single, nonjacketed lead projectile of nominal 50 caliber or larger, or fire a single, nonjacketed lead projectile of at least 170 grains.

(4) This section shall not apply to the carrying of a handgun designed to be charged with black powder only.

(5) This section shall not apply to persons lawfully hunting game birds with a shotgun.

(6) Only one barrel of a double barrel muzzleloader may be charged with a load at any one time while hunting in a muzzleloading season except in specified firearm restricted areas.

[Statutory Authority: RCW 77.12.047. 03-13-047 (Order 03-129), § 232-12-051, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-11-137 (Order 00-50), § 232-12-051, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.04.055 and 77.12.040. 90-14-109 (Order 450), § 232-12-051, filed 7/5/90, effective 8/5/90; 89-11-062 (Order 393), § 232-12-051, filed 5/18/89. Statutory Authority: RCW 77.12.040. 84-18-013 (Order 234), § 232-12-051, filed 8/28/84; 81-12-029 (Order 165), § 232-12-051, filed 6/1/81. Formerly WAC 232-12-135.]

WAC 232-12-054 Archery requirements—Archery special use permits. (1) Rules pertaining to all archery:

(a) It is unlawful for any person to carry or have in his possession any firearm while in the field archery hunting, during an archery season specified for that area.

(b) It is unlawful to have any electrical equipment or electric device(s) attached to the bow or arrow while hunting.

(c) It is unlawful to shoot a bow and arrow from a vehicle or from, across or along the maintained portion of a public highway, except persons with a disabled hunter permit may shoot from a vehicle if the hunter is in compliance with WAC 232-12-828.

(d) It is unlawful to use any device secured to or supported by the bow for the purpose of maintaining the bow at full draw or in a firing position, except persons with an archery special use permit may, during deer and elk archery seasons, use a device that stabilizes and holds a long bow, recurve bow, or compound bow at a full draw, and may use a mechanical or electrical release.

(e) It is unlawful to hunt wildlife with a crossbow.

(f) It is unlawful to hunt big game animals with any arrow that does not have a sharp broadhead, and the broadhead blade or blades are less than seven-eighths inch wide.

(g) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width forming a smooth line toward the feather end of the shaft and such line does not angle toward the point.

(2) Rules pertaining to long bow, recurve bow and compound bow archery:

(a) It is unlawful for any person to hunt big game animals with a bow that possesses less than 40 pounds of pull measured at twenty-eight inches or less draw length or has a greater than 65% reduction (let off) in holding weight at full draw.

(b) It is unlawful to hunt big game animals with any arrow measuring less than 20 inches in length or weighing less than 6 grains per pound of draw weight with a minimum arrow weight of 300 grains.

(3) Archery special use permits. An archery special use permit is available to a person who holds a valid big game combination package which includes deer or elk as a species option and who presents an archery special use permit application signed by a physician stating that the person's disability is permanent and the person has a loss of use of one or both upper extremities, has a significant limitation in the use of an upper extremity, or has a permanent physical limitation, which loss or limitation substantially impairs the ability to safely hold, grasp or shoot a long bow, recurve bow or compound bow. The loss or limitation may be the result of, but not limited to, amputation, paralysis, diagnosed disease, or birth defect. The approved archery special use permit must be in the physical possession of the person while using adaptive archery equipment as described in subsection (1)(d) of this section to hunt deer or elk.

[Statutory Authority: RCW 77.12.047. 03-13-047 (Order 03-129), § 232-12-054, filed 6/12/03, effective 7/13/03; 01-17-068 (Order 01-167), § 232-12-054, filed 8/15/01, effective 9/15/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-11-137 (Order 00-50), § 232-12-054, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. 90-03-092 (Order 427), § 232-12-054, filed 1/24/90, effective 2/24/90; 88-13-012 (Order 310), § 232-12-054, filed 6/6/88; 81-12-029 (Order 165), § 232-12-054, filed 6/1/81. Formerly WAC 232-12-140.]

WAC 232-12-055 Hunting—Hunter orange clothing requirements. (1) Except as authorized in subsection (4) of this section, it is unlawful to hunt upland birds or rabbits during any upland game bird season unless the hunter is wearing fluorescent hunter orange clothing.

(2) It is unlawful to hunt deer or elk during the modern firearm seasons in any manner unless the hunter is wearing fluorescent hunter orange clothing.

(3) It is unlawful to hunt bear, cougar, bobcat, raccoon, fox, coyote, rabbit, forest grouse or hare during those times and in those places open to the taking of deer or elk during a modern firearm season, unless the hunter is wearing fluorescent hunter orange clothing.

(4) Persons who are hunting upland game birds during an upland game bird season with a muzzleloading firearm, bow and arrow or falconry are not required to wear fluorescent hunter orange clothing.

(5) Wearing fluorescent hunter orange clothing means: A minimum of 400 square inches of fluorescent hunter orange exterior clothing, worn above the waist and visible from all sides.

[Statutory Authority: RCW 77.12.047. 03-16-087 (Order 03-175), § 232-12-055, filed 8/5/03, effective 9/5/03. Statutory Authority: RCW 77.12.010 and 77.12.040. 91-08-075 (Order 489), § 232-12-055, filed 4/3/91, effective 9/1/91; 90-22-059 (Order 467), § 232-12-055, filed 11/5/90, effective 9/1/91.]

WAC 232-12-068 Nontoxic shot requirements. It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for waterfowl, coot, or snipe. Nontoxic shot includes steel shot, bismuth-tin shot (97 parts bismuth: 3 parts tin with <1 percent residual lead), tungsten-iron shot (40 parts tungsten: 60 parts iron with <1 percent residual lead), tungsten-polymer shot (95.5 parts tungsten: 4.5 parts nylon 6 or 11 with <1 percent residual lead), tungsten-matrix shot (95.9 parts tungsten: 4.1 parts polymer with <1 percent residual lead), tungsten-iron-nickel-tin shot (65% tungsten: 10.4% iron: 2.8% nickel: 21.8% tin, with <1 percent residual lead), or tungsten-nickel-iron shot (50% tungsten: 35% nickel: 15% iron with <1 percent residual lead). The director may adopt additional nontoxic shot types consistent with federal regulations.

It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot in the following areas:

Bridgeport Bar segment of the Well's Wildlife Area

Cowlitz Wildlife Area

Lake Terrell Wildlife Area (including Tennant Lake and other segments)

Shillapoo Wildlife Area

Skagit Wildlife Area (all segments)

Snoqualmie Wildlife Area (all segments)

Sunnyside Wildlife Area

The Driscoll Island, Hegdahl, and Kline Parcel segments of the Sinlahekin Wildlife Area

Vancouver Lake Wildlife Area

It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for game birds or game animals in the following areas:

Chehalis River pheasant release site

Dungeness Recreation Area

Hunter Farms pheasant release site

Raymond Airport pheasant release site

Two Rivers and Wallula Units of the U.S. Fish and Wildlife Service's McNary National Wildlife Refuge

[All] Whidbey Island [Seaplane Base, OLF Coupeville, and Bayview] pheasant release sites[.]

[Statutory Authority: RCW 77.12.047. 03-16-030 (Order 03-165), § 232-12-068, filed 7/29/03, effective 8/29/03; 03-13-047 (Order 03-129), § 232-12-068, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 77.12.040. 01-17-092 (Order 01-157), § 232-12-068, filed 8/20/01, effective 9/20/01. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-12-068, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-11-137 (Order 00-50), § 232-12-068, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. 99-17-034 (Order 99-118), § 232-12-068, filed 8/11/99, effective 9/11/99; 98-17-044 (Order 98-152), § 232-12-068, filed 8/13/98, effective 9/13/98; 97-18-026 (Order 97-164), § 232-12-068, filed 8/25/97, effective 9/25/97. Statutory Authority: RCW 77.12.040 and 77.12.010. 96-18-009 (Order 96-127), § 232-12-068, filed 8/22/96, effective 9/22/96. Statutory Authority: RCW 77.12.040. 95-18-072 (Order 95-126) § 232-12-068, filed 9/1/95, effective 10/2/95.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 232-12-086 Director or his designee is empowered to issue nuisance wildlife control operator certifications to control nuisance or problem wildlife. When the director or his designee determines that nuisance or problem wildlife can be controlled by persons, political subdivisions of this state, or the United States, the director or his designee may issue nuisance wildlife control operator (NWCO) certifications for control of said nuisance or problem wildlife.

(1) Nuisance wildlife control operators shall:

(a) Be at least eighteen years of age;

(b) Be licensed as a trapper in the state;

(c) Have completed the NWCO certification course;

(d) Have the equipment, knowledge, and ability to control problem wildlife;

(e) Not be legally ineligible to possess a firearm (including no felony or domestic violence conviction unless firearm possession rights have been restored); and

(f) Not have a gross misdemeanor fish and wildlife conviction within the last five years.

(2) Nuisance wildlife control operators may use live traps to take any animal causing an animal problem as that term is defined in chapter 77.15 RCW, but may only use body gripping traps after receiving a special trapping permit.

(3) Nuisance wildlife control operators must submit a complete quarterly report of all trapping activity, on the form supplied by the department. The quarterly report is due by the fifteenth day of the month after the end of the quarter. Failure to submit a report may result in certification being revoked and future certification suspended.

(4) Nuisance wildlife control operator certifications may be revoked or future certifications denied by the director or issuing authority when, in the judgment of the department:

(a) Information contained in the application was inaccurate or false;

(b) The permittee or person trapping problem animals fails to comply with department trapping statutes or rules; or

(c) The person trapping violates a trapping or other wildlife law.

(5) If the certification is denied or revoked, the department shall provide the applicant, in writing, a statement of the specific reason(s) for the denial or revocation. The applicant may request an appeal in accordance with chapter 34.05 RCW. Appeal request shall be filed in writing and returned within twenty days from the mailing date of the denial and be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

(6) Nuisance wildlife control certifications are valid for three years.

(7) It is unlawful to trap nuisance wildlife on the property of another for a fee or other consideration without a nuisance wildlife control certification.

(a) Violation of this subsection using a body-gripping trap is punishable under RCW 77.15.194, Unlawful traps.

(b) Violation of this subsection using a trap other than a body-gripping trap is punishable under RCW 77.15.190, Unlawful trapping—Penalty.

[Statutory Authority: RCW 77.12.047. 04-01-053 (Order 03-303), § 232-12-086, filed 12/11/03, effective 1/11/04. Statutory Authority: RCW 77.04.020. 84-21-086 (Order 255), § 232-12-086, filed 10/19/84.]

WAC 232-12-106 Provisions for accidental take by falconers. (1) When a raptor being used in falconry accidentally takes any species of wildlife (quarry) for which the hunting season is not currently open, the falconer must release the quarry if it is not seriously injured. If the quarry has been seriously injured or killed, the falconer may not retain or possess the quarry, but the raptor may feed upon the quarry before leaving the site of the kill.

(2) If the accidentally killed quarry is a species identified on the Washington candidate species list (for endangered, threatened, or sensitive status) or specifically identified by the director, the falconer shall, before leaving the site of the kill, record upon a form provided by the department, or upon a facsimile, the falconer's name, falconry permit number, date, species and sex (if known) of the quarry, and exact location of the kill. The falconer shall submit the information to the Washington department of fish and wildlife falconry permit coordinator by April 1 following the close of the current hunting season.

(3) Accidental kill by any falconer in any license year shall not exceed a total of five individuals of any combination of species designated under subsection (2) of this section. Following an accidental kill by any falconer of any species designated under subsection (2) of this section, the falconer shall cease hunting for the day.

(4) Notwithstanding any other section of this rule, take of species designated as endangered, threatened, or sensitive in Washington under WAC 232-12-011 or 232-12-014 is not permitted except by permit from the director.

[Statutory Authority: RCW 77.12.047. 03-03-016 (Order 03-03), § 232-12-106, filed 1/7/03, effective 2/7/03. Statutory Authority: RCW 77.12.040. 00-20-032 (Order 00-197), § 232-12-106, filed 9/27/00, effective 10/28/00.]

WAC 232-12-181 Livestock grazing on department of fish and wildlife lands. All persons wishing to apply for a grazing permit should contact the Washington Department of Fish and Wildlife, 600 North Capitol Way, Olympia, Washington 98501-1091.

(1) The director is authorized to enter into grazing permits when the director determines that a grazing permit will be consistent with the desired ecological condition for those lands or the department's strategic plan. Except for temporary permits, each grazing permit shall first be submitted to the commission, which may review the permit to ensure it conforms with commission policy. If, within thirty days, the commission has not disapproved the permit, the director shall be deemed authorized to enter into that permit.

(2) The director shall advertise and sell a permit to use department lands for grazing at public auction to the highest bidder. The director is authorized to reject any and all bids if it is determined to be in the best interest of the department to do so. The director may negotiate a grazing permit without using the public auction process only when the director determines that benefits to wildlife would be equal to or greater than the cash or monetary payments foregone.

(3) The term of each grazing permit shall be no greater than five years. When an existing permit expires or is about to expire, and the director wishes to continue to permit grazing on the subject parcel, then a modified public auction process shall be used. A minimum bid based on market value shall be established prior to the public auction. The last previous or the existing permittee shall be provided the option of meeting the highest bid made at public auction. The director may grant a term longer than five years only with the prior approval of the commission. The director may permit exceptions to the public auction process only when the director determines that benefits to wildlife would be equal to or greater than the cash or monetary payment foregone.

(4) A temporary permit may be granted by the director to satisfy an immediate, short-term need where benefits to wildlife management programs and the public interest can be demonstrated. The term of a temporary permit shall not exceed two weeks and no fee need be charged.

(5) Except for temporary permits, each grazing permit proposal shall be accompanied by a domestic livestock grazing management plan that includes a description of ecological impacts, desired ecological condition, fish and wildlife benefits, a monitoring plan, and an evaluation schedule for lands that will be grazed by livestock. The director shall inspect the site of a grazing permit no less than two times each year. The director shall retain the right to alter provisions of the plan to reduce acreage available or the number of animals using the area when such change is, in the judgment of the director, required to benefit fish or wildlife management, public hunting and fishing, or other recreational uses.

(6) The director may cancel a permit (a) for noncompliance with the terms and conditions of the permit, or (b) if the area described in the permit is included in a land use plan determined by the agency to be a higher and better use, or (c) if the property is sold or conveyed, or (d) if damage to wildlife or wildlife habitat occurs.

(7) All lands covered by any grazing permit agreement shall at all times be open to public hunting, fishing and other wildlife recreational uses unless such lands have been closed by action of the commission or emergency order of the director.

[Statutory Authority: RCW 77.12.047. 03-03-016 (Order 03-03), § 232-12-181, filed 1/7/03, effective 2/7/03. Statutory Authority: RCW 77.12.210. 88-23-109 (Order 323), § 232-12-181, filed 11/22/88. Statutory Authority: RCW 77.12.040. 82-04-034 (Order 177), § 232-12-181, filed 1/28/82; 81-12-029 (Order 165), § 232-12-181, filed 6/1/81. Formerly WAC 232-12-405.]

WAC 232-12-243 Public safety cougar removals. (1) Definitions:

As used in this section and in the context of public safety cougar removals, the following definitions apply:

(a) "Confirmed" means qualified department staff is led to believe a cougar(s) was at the scene of the incident by interview of the complainant or observation of evidence at the scene.

(b) "Human-cougar safety incident" means aggressive or unusual behavior by a cougar which presents an actual or perceived threat to an individual.

(c) "Livestock or pet depredation" means incidents where livestock and/or pets are killed and/or injured by cougar.

(d) "Marginal cougar habitat" means those areas usually dominated by urban/suburban, developed lands with relatively high human densities.

(e) "Nuisance activity" means incidents associated with property disturbance, property damage, or livestock/pet harassment.

(f) "Preferred cougar habitat" means those areas usually dominated by rural, undeveloped lands with relatively low human densities.

(g) "Public safety need" means there exists a reasonable threat to human safety or property by one or more cougar, as indicated by the level of confirmed human-cougar safety incidents or livestock/pet depredations, and confirmed cougar sightings or nuisance activities.

(h) "Removal" means the act of killing one or more cougar with the aid of dogs.

(i) "Sighting" means a direct observation of one or more cougar, in urban or rural settings, near individuals or residences; typically more than chance observations.

(j) "Human-cougar interaction" means a human-cougar safety incident, livestock or pet depredation, cougar nuisance activity, or cougar sighting event.

(k) "Dog hunter" means a person that owns and hunts with dogs that are capable of detecting, tracking and treeing a cougar.

(2) Public safety cougar removal authorization: The commission authorizes the director to issue public safety cougar removal permits consistent with this rule. Prior to issuing public safety cougar removal permits, the department shall use other practical alternatives to address a public safety need, including livestock or pet depredations. Other practical alternatives may include, but are not limited to, general cougar hunting seasons, general public information, educational programs, information to recreational hunters, cougar depredation/kill permits, and department capture and relocation/euthanasia of specific cougars.

(3) Public safety cougar removal criteria:

(a) The commission determines that when the above practical alternatives have been utilized within a game management unit, eleven confirmed human-cougar interactions per year, of which at least four must be confirmed human-cougar safety incidents or livestock/pet depredations, therein demonstrating that the practical alternatives have been inadequate to address the public safety need. The director then is authorized by the commission to remove one or more cougar, with the aid of dogs, in a selected area of that game management unit or nearby geographic area suitable for the use of dogs. The commission authorizes the director to remove one cougar per one hundred twenty square kilometers of complaint area in preferred cougar habitat, and one cougar per four hundred thirty square kilometers of complaint area in marginal cougar habitat.

(b) If warranted by conditions of this rule, public safety cougar removal(s) will be conducted annually between December 1st and March 15th in selected areas of game management units designated by the director to address a public safety need presented by one or more cougar except in game management units 101 and 204, public safety cougar removal(s) will be conducted annually between January 1 and March 15 for a cougar capture-recapture study.

(c) The department shall not target more than one hundred nine cougar during a public safety cougar removal period unless otherwise authorized by the commission.

(4) Public safety cougar removal permit issuance procedure.

(a) To participate in a public safety cougar removal, individuals must request that his/her name be placed on a list of available participants (participant list) by mailing their request to Washington Department of Fish and Wildlife, Enforcement Program - Public Safety Cougar Removal, 600 Capitol Way North, Olympia, WA 98501-1091. The request must include the individual's name, address, phone number, and game management units being applied for. Individuals may apply for no more than four game management units. An individual's request to be placed on a participant list for a removal period must be postmarked no later than October 1, or be received at the department's Olympia office no later

than 5:00 p.m. on October 1, during the year the removal period begins.

(b) To be eligible for a public safety cougar removal permit (permit), the participant must be a Washington resident dog hunter who, at the time of application for a permit, possesses a valid big game license with cougar as a species option. The permit holder must use dogs while participating in a public safety cougar removal.

(c) Individuals eligible for participation in a public safety cougar removal will be randomly selected from the participant list. The department will issue a permit to the person whose name is selected from the participant list. Individuals selected will be notified by telephone or mail. Individuals selected must contact the department's enforcement program in Olympia and accept the public safety cougar removal permit within fifteen days of being notified. Failure to contact the department will result in forfeit of the permit and the individual will be placed on the participant list for later selections. Permits may not be sold or reassigned.

(d) Permit holders and all individuals who will accompany the permit holder must complete the department's public safety cougar removal education course prior to participating in a public safety cougar removal.

(5) Public safety cougar removals: Quota system and participation in cougar removal.

(a) The cougar removal period will be based on a quota system, where permit holders may hunt cougar until the allotted numbers of cougar have been removed from each game management unit or March 15, whichever is first.

(b) Permit holders who harvest a cougar before January 15 may continue hunting for a second cougar with dogs. The permit holder must purchase an additional cougar transport tag to hunt and harvest one additional cougar and the permit holder will be issued a second permit. Permit holders who harvest a cougar after January 15 are not eligible to harvest a second cougar with dogs.

(c) To verify if the cougar removal season is open or closed in each game management unit, the permit holders shall notify the department's enforcement program in Olympia at least twenty-four hours prior to exercising a public safety cougar removal permit.

(d) No more than four total individuals may participate per public safety cougar removal, including the permit holder(s). Only the permit holder, whose name appears on the permit, may take a cougar.

(e) Hunters killing a cougar during a public safety cougar removal must notify the department's enforcement program in Olympia within twenty-four hours after harvesting the cougar.

(f) The department reserves the right to accompany permit holders while participating in a public safety cougar removal.

(6) Public safety cougar removal general requirements.

(a) A valid big game hunting license which includes cougar as a species option is required to hunt cougar. One cougar transport tag is included with a big game license that has cougar as a species option. A second cougar transport tag must be purchased to take a second cougar. Individuals may participate in multiple public safety cougar removals, but must purchase a cougar transport tag for each cougar removed. Purchases in excess of two cougar transport tags must be made at department offices.

(b) It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens. Individuals selected for a public safety cougar removal permit may take one cougar per permit and must take the first legal cougar available.

(c) Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. The use of dogs to hunt cougar is prohibited except during a public safety cougar removal.

(d) Any person who takes a cougar must notify the department within twenty-four hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within seventy-two hours of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

(e) The public safety cougar removal permit (permit) belongs to the state of Washington. The permit holder may be required to return to or turn over to the department the permit when, in the judgment of the department, the permit holder violates any conditions of the permit, violates trespass laws while acting under this permit, or violates any other criminal law or hunting regulation of the state while acting under this permit. If the permit holder is required to return to or turn over to the department the permit, the permit holder may request an appeal of that action in accordance with chapter 34.05 RCW. Appeal request shall be filed in writing and returned within twenty days of the date of action and be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

[Statutory Authority: RCW 77.12.047. 03-17-037 (Order 03-186), § 232-12-243, filed 8/14/03, effective 9/14/03; 02-17-013 (Order 02-183), § 232-12-243, filed 8/9/02, effective 9/9/02; 01-20-011 (Order 01-198), § 232-12-243, filed 9/20/01, effective 10/21/01.]

WAC 232-12-287 Possession of dead wildlife. (1) Except as authorized by permit of the director or by subsection (2) of this section, it is unlawful to possess wildlife found dead. This rule does not prohibit the possession of naturally shed antlers of deer, elk, or moose.

(2) An individual may remove and dispose of wildlife found dead on his or her property or an adjoining public roadway. Before removing the wildlife, the individual shall, by telephone, notify the department or the Washington state patrol communications office, and shall provide his or her name, address, telephone number, and the description and location of the wildlife. The individual may remove the wildlife for disposal only, and may not retain the wildlife for personal use or consumption. Other laws and rules may apply to the disposal, including rules of the department of health (WAC 246-203-120). Wildlife removed under this section remain the property of the state.

[Statutory Authority: RCW 77.12.047. 03-16-087 (Order 03-175), § 232-12-287, filed 8/5/03, effective 9/5/03. Statutory Authority: RCW 77.12.040. 95-10-026, § 232-12-287, filed 4/26/95, effective 5/27/95; 81-12-029 (Order 165), § 232-12-287, filed 6/1/81. Formerly WAC 232-12-180.]

WAC 232-12-289 Official hunting hours for game birds and game animals.

(1) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SUNDAY

Dates (Inclusive)					Western Washington from A.M.	to	P.M.	Eastern Washington from A.M.	to	P.M.
				Daylight Savings Time						
Sun.	Sept. 1	-	Sun.	Sept. 8	6:00		7:45	5:45		7:30
Mon.	Sept. 9	-	Sun.	Sept. 15	6:10		7:30	6:00		7:15
Mon.	Sept. 16	-	Sun.	Sept. 22	6:20		7:15	6:10		7:00
Mon.	Sept. 23	-	Sun.	Sept. 29	6:30		7:00	6:20		6:45
Mon.	Sept. 30	-	Sun.	Oct. 6	6:40		6:45	6:30		6:35
Mon.	Oct. 7	-	Sun.	Oct. 13	6:50		6:30	6:40		6:20
Mon.	Oct. 14	-	Sun.	Oct. 20	7:00		6:20	6:50		6:05
Mon.	Oct. 21	-	Sat.	Oct. 26	7:10		6:05	7:00		5:55
				Pacific Standard Time						
			Sun.	Oct. 27	6:10		5:05	6:00		4:55
Mon.	Oct. 28	-	Sun.	Nov. 3	6:20		4:55	6:10		4:50
Mon.	Nov. 4	-	Sun.	Nov. 10	6:30		4:45	6:20		4:30
Mon.	Nov. 11	-	Sun.	Nov. 17	6:40		4:35	6:30		4:20
Mon.	Nov. 18	-	Sun.	Nov. 24	6:50		4:25	6:40		4:15
Mon.	Nov. 25	-	Sun.	Dec. 1	7:00		4:20	6:50		4:10
Mon.	Dec. 2	-	Sun.	Dec. 8	7:10		4:20	7:00		4:10
Mon.	Dec. 9	-	Sun.	Dec. 15	7:15		4:20	7:05		4:10
Mon.	Dec. 16	-	Sun.	Dec. 22	7:20		4:20	7:10		4:10
Mon.	Dec. 23	-	Sun.	Dec. 29	7:25		4:25	7:10		4:15
Mon.	Dec. 30	-	Sun.	Jan. 5	7:25		4:30	7:15		4:15
Mon.	Jan. 6	-	Sun.	Jan. 12	7:25		4:35	7:15		4:25
Mon.	Jan. 13	-	Sun.	Jan. 19	7:20		4:45	7:10		4:35
Mon.	Jan. 20	-	Sun.	Jan. 26	7:15		4:55	7:05		4:45
Mon.	Jan. 27	-	Fri.	Jan. 31	7:10		5:05	7:00		4:55

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

(a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.

(b) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.

(c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(2) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

Dates (Inclusive)					Western Washington from A.M.	to	P.M.	Eastern Washington from A.M.	to	P.M.
				Daylight Savings Time						
Mon.	Sept. 1	-	Sun.	Sept. 7	6:00		7:45	5:45		7:30
Mon.	Sept. 8	-	Sun.	Sept. 14	6:10		7:30	5:50		7:20
Mon.	Sept. 15	-	Sun.	Sept. 21	6:20		7:15	6:10		7:05
Mon.	Sept. 22	-	Sun.	Sept. 28	6:30		7:00	6:15		6:50
Mon.	Sept. 29	-	Sun.	Oct. 5	6:40		6:45	6:30		6:35
Mon.	Oct. 6	-	Sun.	Oct. 12	6:50		6:30	6:40		6:25
Mon.	Oct. 13	-	Sun.	Oct. 19	7:00		6:20	6:50		6:10
Mon.	Oct. 20	-	Sat.	Oct. 25	7:10		6:10	7:00		5:55
				Pacific Standard Time						
			Sun.	Oct. 26	6:15		5:00	6:00		4:50
Mon.	Oct. 27	-	Sun.	Nov. 2	6:20		4:55	6:15		4:45
Mon.	Nov. 3	-	Sun.	Nov. 9	6:30		4:45	6:20		4:30

(2) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

Dates (Inclusive)					Western Washington from A.M.	to	P.M.	Eastern Washington from A.M.	to	P.M.
Mon.	Nov. 10	-	Sun.	Nov. 16	6:40		4:35	6:30		4:25
Mon.	Nov. 17	-	Sun.	Nov. 23	6:50		4:30	6:40		4:15
Mon.	Nov. 24	-	Sun.	Nov. 30	7:00		4:20	6:50		4:10
Mon.	Dec. 1	-	Sun.	Dec. 7	7:10		4:20	7:00		4:10
Mon.	Dec. 8	-	Sun.	Dec. 14	7:15		4:20	7:05		4:05
Mon.	Dec. 15	-	Sun.	Dec. 21	7:20		4:20	7:10		4:10
Mon.	Dec. 22	-	Sun.	Dec. 28	7:25		4:25	7:10		4:10
Mon.	Dec. 29	-	Sun.	Jan. 4	7:25		4:30	7:15		4:15
Mon.	Jan. 5	-	Sun.	Jan. 11	7:25		4:35	7:15		4:25
Mon.	Jan. 12	-	Sun.	Jan. 18	7:25		4:45	7:10		4:35
Mon.	Jan. 19	-	Sun.	Jan. 25	7:20		4:55	7:05		4:45
Mon.	Jan. 26	-	Fri.	Jan. 31	7:10		5:00	7:00		4:55

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

(a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.

(b) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.

(c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(3) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON TUESDAY

Dates (Inclusive)					Western Washington from A.M.	to	P.M.	Eastern Washington from A.M.	to	P.M.
				Daylight Savings Time						
Tues.	Sept. 1	-	Sun.	Sept. 6	6:00		7:45	5:50		7:35
Mon.	Sept. 7	-	Sun.	Sept. 13	6:10		7:35	6:00		7:20
Mon.	Sept. 14	-	Sun.	Sept. 20	6:20		7:20	6:05		7:05
Mon.	Sept. 21	-	Sun.	Sept. 27	6:30		7:05	6:15		6:50
Mon.	Sept. 28	-	Sun.	Oct. 4	6:40		6:50	6:25		6:35
Mon.	Oct. 5	-	Sun.	Oct. 11	6:45		6:35	6:35		6:25
Mon.	Oct. 12	-	Sun.	Oct. 18	6:55		6:20	6:45		6:10
Mon.	Oct. 19	-	Sat.	Oct. 24	7:05		6:10	6:55		6:00
				Pacific Standard Time						
			Sun.	Oct. 25	6:10		5:00	6:00		4:50
Mon.	Oct. 26	-	Sun.	Nov. 1	6:20		4:55	6:05		4:45
Mon.	Nov. 2	-	Sun.	Nov. 8	6:30		4:45	6:15		4:35
Mon.	Nov. 9	-	Sun.	Nov. 15	6:40		4:35	6:30		4:25
Mon.	Nov. 16	-	Sun.	Nov. 22	6:50		4:30	6:40		4:15
Mon.	Nov. 23	-	Sun.	Nov. 29	7:00		4:25	6:45		4:10
Mon.	Nov. 30	-	Sun.	Dec. 6	7:10		4:20	6:55		4:10
Mon.	Dec. 7	-	Sun.	Dec. 13	7:15		4:20	7:05		4:05
Mon.	Dec. 14	-	Sun.	Dec. 20	7:20		4:20	7:10		4:10
Mon.	Dec. 21	-	Sun.	Dec. 27	7:25		4:20	7:15		4:10
Mon.	Dec. 28	-	Sun.	Jan. 3	7:30		4:30	7:15		4:15
Mon.	Jan. 4	-	Sun.	Jan. 10	7:25		4:35	7:15		4:25
Mon.	Jan. 11	-	Sun.	Jan. 17	7:25		4:45	7:10		4:30
Mon.	Jan. 18	-	Sun.	Jan. 24	7:20		4:55	7:05		4:40
Mon.	Jan. 25	-	Sat.	Jan. 31	7:10		5:00	7:00		4:50

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

(a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.

(b) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.

(c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(4) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON WEDNESDAY

Dates (Inclusive)					Western Washington from A.M.	to	P.M.	Eastern Washington from A.M.	to	P.M.
				Daylight Savings Time						
Wed.	Sept. 1	-	Sun.	Sept. 5	6:00		7:45	5:50		7:35
Mon.	Sept. 6	-	Sun.	Sept. 12	6:10		7:35	5:55		7:20
Mon.	Sept. 13	-	Sun.	Sept. 19	6:15		7:20	6:05		7:10
Mon.	Sept. 20	-	Sun.	Sept. 26	6:25		7:05	6:15		6:55
Mon.	Sept. 27	-	Sun.	Oct. 3	6:35		6:50	6:25		6:40
Mon.	Oct. 4	-	Sun.	Oct. 10	6:45		6:40	6:35		6:25
Mon.	Oct. 11	-	Sun.	Oct. 17	6:55		6:25	6:45		6:10
Mon.	Oct. 18	-	Sun.	Oct. 24	7:05		6:10	6:55		6:00
Mon.	Oct. 25	-	Sat.	Oct. 30	7:15		6:00	7:05		5:45
				Pacific Standard Time						
Sun.	Oct. 31	-	Sun.	Nov. 7	6:25		4:50	6:15		4:35
Mon.	Nov. 8	-	Sun.	Nov. 14	6:40		4:40	6:25		4:25
Mon.	Nov. 15	-	Sun.	Nov. 21	6:50		4:30	6:35		4:20
Mon.	Nov. 22	-	Sun.	Nov. 28	7:00		4:25	6:45		4:10
Mon.	Nov. 29	-	Sun.	Dec. 5	7:05		4:20	6:55		4:10
Mon.	Dec. 6	-	Sun.	Dec. 12	7:15		4:20	7:05		4:05
Mon.	Dec. 13	-	Sun.	Dec. 19	7:20		4:20	7:10		4:05
Mon.	Dec. 20	-	Sun.	Dec. 26	7:25		4:20	7:15		4:10
Mon.	Dec. 27	-	Sun.	Jan. 2	7:25		4:25	7:15		4:15
Mon.	Jan. 3	-	Sun.	Jan. 9	7:25		4:35	7:15		4:20
Mon.	Jan. 10	-	Sun.	Jan. 16	7:25		4:40	7:10		4:30
Mon.	Jan. 17	-	Sun.	Jan. 23	7:20		4:50	7:10		4:40
Mon.	Jan. 24	-	Mon.	Jan. 31	7:10		5:00	7:00		4:50

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

(a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.

(b) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.

(c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(5) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON THURSDAY

Dates (Inclusive)					Western Washington from A.M.	to	P.M.	Eastern Washington from A.M.	to	P.M.
				Daylight Savings Time						
Thur.	Sept. 1	-	Sun.	Sept. 4	6:00		7:45	5:45		7:35
Mon.	Sept. 5	-	Sun.	Sept. 11	6:05		7:35	5:55		7:25
Mon.	Sept. 12	-	Sun.	Sept. 18	6:15		7:20	6:05		7:10
Mon.	Sept. 19	-	Sun.	Sept. 25	6:25		7:10	6:10		6:55
Mon.	Sept. 26	-	Sun.	Oct. 2	6:35		6:55	6:25		6:40
Mon.	Oct. 3	-	Sun.	Oct. 9	6:45		6:40	6:35		6:25
Mon.	Oct. 10	-	Sun.	Oct. 16	6:55		6:25	6:45		6:15
Mon.	Oct. 17	-	Sun.	Oct. 23	7:05		6:10	6:55		6:00
Mon.	Oct. 24	-	Sat.	Oct. 29	7:15		6:00	7:05		5:50

(5) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON THURSDAY

Dates (Inclusive)					Western Washington from A.M.	to	P.M.	Eastern Washington from A.M.	to	P.M.
				Pacific Standard Time						
			Sun.	Oct. 30	6:20		4:55	6:10		4:45
Mon.	Oct. 31	-	Sun.	Nov. 6	6:25		4:50	6:15		4:35
Mon.	Nov. 7	-	Sun.	Nov. 13	6:35		4:40	6:25		4:25
Mon.	Nov. 14	-	Sun.	Nov. 20	6:45		4:30	6:35		4:20
Mon.	Nov. 21	-	Sun.	Nov. 27	6:55		4:25	6:45		4:10
Mon.	Nov. 28	-	Sun.	Dec. 4	7:05		4:20	6:55		4:10
Mon.	Dec. 5	-	Sun.	Dec. 11	7:15		4:20	7:00		4:05
Mon.	Dec. 12	-	Sun.	Dec. 18	7:20		4:20	7:10		4:05
Mon.	Dec. 19	-	Sun.	Dec. 25	7:25		4:20	7:10		4:10
Mon.	Dec. 26	-	Sun.	Jan. 1	7:25		4:25	7:15		4:15
Mon.	Jan. 2	-	Sun.	Jan. 8	7:25		4:30	7:15		4:20
Mon.	Jan. 9	-	Sun.	Jan. 15	7:25		4:40	7:10		4:30
Mon.	Jan. 16	-	Sun.	Jan. 22	7:20		4:50	7:10		4:40
Mon.	Jan. 23	-	Sun.	Jan. 29	7:15		5:00	7:00		4:50
Mon.	Jan. 30	-	Tues.	Jan. 31	7:10		5:05	6:55		4:55

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

(a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.

(b) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.

(c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(6) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON FRIDAY

Dates (Inclusive)					Western Washington from A.M.	to	P.M.	Eastern Washington from A.M.	to	P.M.
				Daylight Savings Time						
Fri.	Sept. 1	-	Sun.	Sept. 3	6:00		7:50	5:45		7:35
Mon.	Sept. 4	-	Sun.	Sept. 10	6:05		7:40	5:55		7:25
Mon.	Sept. 11	-	Sun.	Sept. 17	6:15		7:25	6:05		7:10
Mon.	Sept. 18	-	Sun.	Sept. 24	6:25		7:10	6:10		7:00
Mon.	Sept. 25	-	Sun.	Oct. 1	6:35		6:55	6:20		6:45
Mon.	Oct. 2	-	Sun.	Oct. 8	6:45		6:40	6:30		6:30
Mon.	Oct. 9	-	Sun.	Oct. 15	6:55		6:25	6:40		6:15
Mon.	Oct. 16	-	Sun.	Oct. 22	7:05		6:15	6:50		6:00
Mon.	Oct. 23	-	Sat.	Oct. 28	7:10		6:05	7:00		5:50
				Pacific Standard Time						
			Sun.	Oct. 29	6:20		5:00	6:05		4:45
Mon.	Oct. 30	-	Sun.	Nov. 5	6:25		4:50	6:10		4:40
Mon.	Nov. 6	-	Sun.	Nov. 12	6:35		4:40	6:25		4:30
Mon.	Nov. 13	-	Sun.	Nov. 19	6:45		4:30	6:35		4:20
Mon.	Nov. 20	-	Sun.	Nov. 26	6:55		4:25	6:45		4:15
Mon.	Nov. 27	-	Sun.	Dec. 3	7:05		4:20	6:55		4:10
Mon.	Dec. 4	-	Sun.	Dec. 10	7:15		4:20	7:00		4:05
Mon.	Dec. 11	-	Sun.	Dec. 17	7:20		4:20	7:10		4:05
Mon.	Dec. 18	-	Sun.	Dec. 24	7:25		4:20	7:10		4:10
Mon.	Dec. 25	-	Sun.	Dec. 31	7:25		4:25	7:15		4:10
Mon.	Jan. 1	-	Sun.	Jan. 7	7:30		4:30	7:15		4:20
Mon.	Jan. 8	-	Sun.	Jan. 14	7:25		4:40	7:15		4:30

(6) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON FRIDAY

Dates (Inclusive)					Western Washington from A.M.	to	P.M.	Eastern Washington from A.M.	to	P.M.
Mon.	Jan. 15	-	Sun.	Jan. 21	7:20		4:50	7:10		4:40
Mon.	Jan. 22	-	Sun.	Jan. 28	7:15		5:00	7:00		4:50
Mon.	Jan. 29	-	Wed.	Jan. 31	7:10		5:05	6:55		4:50

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

(a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.

(b) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.

(c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(7) OFFICIAL HUNTING HOURS
FOR MIGRATORY GAME BIRDS, UPLAND BIRDS, AND WILD TURKEYS*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SATURDAY

Dates (Inclusive)					Western Washington from A.M.	to	P.M.	Eastern Washington from A.M.	to	P.M.
				Daylight Savings Time						
Sat.	Sept. 1	-	Sun.	Sept. 2	6:00		7:50	5:45		7:40
Mon.	Sept. 3	-	Sun.	Sept. 9	6:05		7:40	5:50		7:30
Mon.	Sept. 10	-	Sun.	Sept. 16	6:15		7:25	6:00		7:15
Mon.	Sept. 17	-	Sun.	Sept. 23	6:20		7:10	6:10		7:00
Mon.	Sept. 24	-	Sun.	Sept. 30	6:30		6:55	6:20		6:45
Mon.	Oct. 1	-	Sun.	Oct. 7	6:40		6:45	6:30		6:30
Mon.	Oct. 8	-	Sun.	Oct. 14	6:50		6:30	6:40		6:15
Mon.	Oct. 15	-	Sun.	Oct. 21	7:00		6:15	6:50		6:05
Mon.	Oct. 22	-	Sat.	Oct. 27	7:10		6:05	7:00		5:50
				Pacific Standard Time						
			Sun.	Oct. 28	6:15		5:00	6:05		4:45
Mon.	Oct. 29	-	Sun.	Nov. 4	6:20		4:50	6:10		4:40
Mon.	Nov. 5	-	Sun.	Nov. 11	6:35		4:40	6:20		4:30
Mon.	Nov. 12	-	Sun.	Nov. 18	6:45		4:35	6:30		4:20
Mon.	Nov. 19	-	Sun.	Nov. 25	6:55		4:25	6:40		4:15
Mon.	Nov. 26	-	Sun.	Dec. 2	7:05		4:20	6:50		4:10
Mon.	Dec. 3	-	Sun.	Dec. 9	7:10		4:20	7:00		4:05
Mon.	Dec. 10	-	Sun.	Dec. 16	7:20		4:20	7:05		4:05
Mon.	Dec. 17	-	Sun.	Dec. 23	7:25		4:20	7:10		4:05
Mon.	Dec. 24	-	Sun.	Dec. 30	7:25		4:25	7:15		4:10
Mon.	Dec. 31	-	Sun.	Jan. 6	7:25		4:30	7:15		4:20
Mon.	Jan. 7	-	Sun.	Jan. 13	7:25		4:40	7:15		4:25
Mon.	Jan. 14	-	Sun.	Jan. 20	7:20		4:45	7:10		4:35
Mon.	Jan. 21	-	Sun.	Jan. 27	7:15		4:55	7:05		4:45
Mon.	Jan. 28	-	Thur.	Jan. 31	7:10		5:05	7:00		4:55

* These are lawful hunting hours (one-half hour before sunrise to sunset) for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons.

Exceptions:

(a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.

(b) Clark (except areas south of the Washougal River), Cowlitz, Grays Harbor, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except one-half hour before sunrise to sunset during the September goose season and 7:00 a.m. to 4:00 p.m. during the late goose season.

(c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(8) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SUNDAY

Dates (Inclusive)					Western Washington from A.M.	to	P.M.	Eastern Washington from A.M.	to	P.M.
				Daylight Savings Time						
Sun.	Sept. 1	-	Sun.	Sept. 8	6:00		8:15	5:45		8:00
Mon.	Sept. 9	-	Sun.	Sept. 15	6:10		8:00	6:00		7:45
Mon.	Sept. 16	-	Sun.	Sept. 22	6:20		7:45	6:10		7:30
Mon.	Sept. 23	-	Sun.	Sept. 29	6:30		7:30	6:20		7:15
Mon.	Sept. 30	-	Sun.	Oct. 6	6:40		7:15	6:30		7:05
Mon.	Oct. 7	-	Sun.	Oct. 13	6:50		7:00	6:40		6:50
Mon.	Oct. 14	-	Sun.	Oct. 20	7:00		6:50	6:50		6:35
Mon.	Oct. 21	-	Sat.	Oct. 26	7:10		6:35	7:00		6:25
				Pacific Standard Time						
			Sun.	Oct. 27	6:10		5:35	6:00		5:25
Mon.	Oct. 28	-	Sun.	Nov. 3	6:20		5:25	6:10		5:20
Mon.	Nov. 4	-	Sun.	Nov. 10	6:30		5:15	6:20		5:00
Mon.	Nov. 11	-	Sun.	Nov. 17	6:40		5:05	6:30		4:50
Mon.	Nov. 18	-	Sun.	Nov. 24	6:50		4:55	6:40		4:45
Mon.	Nov. 25	-	Sun.	Dec. 1	7:00		4:50	6:50		4:40
Mon.	Dec. 2	-	Sun.	Dec. 8	7:10		4:50	7:00		4:40
Mon.	Dec. 9	-	Sun.	Dec. 15	7:15		4:50	7:05		4:40
Mon.	Dec. 16	-	Sun.	Dec. 22	7:20		4:50	7:10		4:40
Mon.	Dec. 23	-	Sun.	Dec. 29	7:25		4:55	7:10		4:45
Mon.	Dec. 30	-	Sun.	Jan. 5	7:25		5:00	7:15		4:45
Mon.	Jan. 6	-	Sun.	Jan. 12	7:25		5:05	7:15		4:55
Mon.	Jan. 13	-	Sun.	Jan. 19	7:20		5:15	7:10		5:05
Mon.	Jan. 20	-	Sun.	Jan. 26	7:15		5:25	7:05		5:15
Mon.	Jan. 27	-	Fri.	Jan. 31	7:10		5:35	7:00		5:25

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

(a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.

(b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(9) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

Dates (Inclusive)					Western Washington from A.M.	to	P.M.	Eastern Washington from A.M.	to	P.M.
				Daylight Savings Time						
Mon.	Sept. 1	-	Sun.	Sept. 7	6:00		8:15	5:50		8:00
Mon.	Sept. 8	-	Sun.	Sept. 14	6:10		8:00	6:00		7:50
Mon.	Sept. 15	-	Sun.	Sept. 21	6:20		7:45	6:10		7:35
Mon.	Sept. 22	-	Sun.	Sept. 28	6:30		7:30	6:15		7:20
Mon.	Sept. 29	-	Sun.	Oct. 5	6:40		7:15	6:30		7:05
Mon.	Oct. 6	-	Sun.	Oct. 12	6:50		7:00	6:40		6:55
Mon.	Oct. 13	-	Sun.	Oct. 19	7:00		6:50	6:50		6:40
Mon.	Oct. 20	-	Sat.	Oct. 25	7:10		6:40	7:00		6:25
				Pacific Standard Time						
			Sun.	Oct. 26	6:15		5:30	6:00		5:20
Mon.	Oct. 27	-	Sun.	Nov. 2	6:20		5:25	6:10		5:15
Mon.	Nov. 3	-	Sun.	Nov. 9	6:30		5:15	6:20		5:00
Mon.	Nov. 10	-	Sun.	Nov. 16	6:40		5:05	6:30		4:55

(9) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

Dates (Inclusive)					Western Washington from A.M.	to	P.M.	Eastern Washington from A.M.	to	P.M.
Mon.	Nov. 17	-	Sun.	Nov. 23	6:50		5:00	6:40		4:45
Mon.	Nov. 24	-	Sun.	Nov. 30	7:00		4:50	6:50		4:40
Mon.	Dec. 1	-	Sun.	Dec. 7	7:10		4:50	7:00		4:40
Mon.	Dec. 8	-	Sun.	Dec. 14	7:15		4:50	7:05		4:40
Mon.	Dec. 15	-	Sun.	Dec. 21	7:20		4:50	7:10		4:40
Mon.	Dec. 22	-	Sun.	Dec. 28	7:25		4:55	7:10		4:40
Mon.	Dec. 29	-	Sun.	Jan. 4	7:25		5:00	7:15		4:45
Mon.	Jan. 5	-	Sun.	Jan. 11	7:25		5:05	7:15		4:55
Mon.	Jan. 12	-	Sun.	Jan. 18	7:25		5:15	7:10		5:05
Mon.	Jan. 19	-	Sun.	Jan. 25	7:20		5:25	7:05		5:15
Mon.	Jan. 26	-	Fri.	Jan. 31	7:10		5:30	7:00		5:25

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

(a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.

(b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(10) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON TUESDAY

Dates (Inclusive)					Western Washington from A.M.	to	P.M.	Eastern Washington from A.M.	to	P.M.
				Daylight Savings Time						
Tues.	Sept. 1	-	Sun.	Sept. 6	6:00		8:15	5:50		8:05
Mon.	Sept. 7	-	Sun.	Sept. 13	6:10		8:05	6:00		7:50
Mon.	Sept. 14	-	Sun.	Sept. 20	6:20		7:50	6:05		7:35
Mon.	Sept. 21	-	Sun.	Sept. 27	6:30		7:35	6:15		7:20
Mon.	Sept. 28	-	Sun.	Oct. 4	6:40		7:20	6:25		7:05
Mon.	Oct. 5	-	Sun.	Oct. 11	6:45		7:05	6:35		6:55
Mon.	Oct. 12	-	Sun.	Oct. 18	6:55		6:50	6:45		6:40
Mon.	Oct. 19	-	Sat.	Oct. 24	7:05		6:40	6:55		6:30
				Pacific Standard Time						
			Sun.	Oct. 25	6:10		5:30	6:00		5:20
Mon.	Oct. 26	-	Sun.	Nov. 1	6:20		5:25	6:05		5:15
Mon.	Nov. 2	-	Sun.	Nov. 8	6:30		5:15	6:15		5:05
Mon.	Nov. 9	-	Sun.	Nov. 15	6:40		5:05	6:30		4:55
Mon.	Nov. 16	-	Sun.	Nov. 22	6:50		5:00	6:40		4:45
Mon.	Nov. 23	-	Sun.	Nov. 29	7:00		4:55	6:50		4:40
Mon.	Nov. 30	-	Sun.	Dec. 6	7:10		4:50	6:55		4:40
Mon.	Dec. 7	-	Sun.	Dec. 13	7:15		4:50	7:05		4:35
Mon.	Dec. 14	-	Sun.	Dec. 20	7:20		4:50	7:10		4:40
Mon.	Dec. 21	-	Sun.	Dec. 27	7:25		4:50	7:15		4:40
Mon.	Dec. 28	-	Sun.	Jan. 3	7:30		5:00	7:15		4:45
Mon.	Jan. 4	-	Sun.	Jan. 10	7:25		5:05	7:15		4:55
Mon.	Jan. 11	-	Sun.	Jan. 17	7:25		5:15	7:10		5:00
Mon.	Jan. 18	-	Sun.	Jan. 24	7:20		5:25	7:05		5:10
Mon.	Jan. 25	-	Sat.	Jan. 31	7:10		5:30	7:00		5:20

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

(a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.

(b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(11) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON WEDNESDAY

					Western Washington from			Eastern Washington from		
Dates (Inclusive)					A.M.	to	P.M.	A.M.	to	P.M.
				Daylight Savings Time						
Wed.	Sept. 1	-	Sun.	Sept. 5	6:00		8:15	5:50		8:05
Mon.	Sept. 6	-	Sun.	Sept. 12	6:10		8:05	5:55		7:50
Mon.	Sept. 13	-	Sun.	Sept. 19	6:15		7:50	6:05		7:40
Mon.	Sept. 20	-	Sun.	Sept. 26	6:25		7:35	6:15		7:25
Mon.	Sept. 27	-	Sun.	Oct. 3	6:35		7:20	6:25		7:10
Mon.	Oct. 4	-	Sun.	Oct. 10	6:45		7:10	6:35		6:55
Mon.	Oct. 11	-	Sun.	Oct. 17	6:55		6:55	6:45		6:40
Mon.	Oct. 18	-	Sun.	Oct. 24	7:05		6:40	6:55		6:30
Mon.	Oct. 25	-	Sat.	Oct. 30	7:15		6:30	7:05		6:15
				Pacific Standard Time						
Sun.	Oct. 31	-	Sun.	Nov. 7	6:25		5:20	6:15		5:05
Mon.	Nov. 8	-	Sun.	Nov. 14	6:40		5:10	6:25		4:55
Mon.	Nov. 15	-	Sun.	Nov. 21	6:50		5:00	6:35		4:50
Mon.	Nov. 22	-	Sun.	Nov. 28	7:00		4:55	6:45		4:40
Mon.	Nov. 29	-	Sun.	Dec. 5	7:05		4:50	6:55		4:40
Mon.	Dec. 6	-	Sun.	Dec. 12	7:15		4:50	7:05		4:35
Mon.	Dec. 13	-	Sun.	Dec. 19	7:20		4:50	7:10		4:35
Mon.	Dec. 20	-	Sun.	Dec. 26	7:25		4:50	7:15		4:40
Mon.	Dec. 27	-	Sun.	Jan. 2	7:25		4:55	7:15		4:45
Mon.	Jan. 3	-	Sun.	Jan. 9	7:25		5:05	7:15		4:50
Mon.	Jan. 10	-	Sun.	Jan. 16	7:25		5:10	7:10		5:00
Mon.	Jan. 17	-	Sun.	Jan. 23	7:20		5:20	7:10		5:10
Mon.	Jan. 24	-	Mon.	Jan. 31	7:10		5:30	7:00		5:20

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

(a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.

(b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(12) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON THURSDAY

					Western Washington from			Eastern Washington from		
Dates (Inclusive)					A.M.	to	P.M.	A.M.	to	P.M.
				Daylight Savings Time						
Thurs.	Sept. 1	-	Sun.	Sept. 4	6:00		8:15	5:45		8:05
Mon.	Sept. 5	-	Sun.	Sept.11	6:05		8:05	5:55		7:55
Mon.	Sept. 12	-	Sun.	Sept. 18	6:15		7:50	6:05		7:40
Mon.	Sept. 19	-	Sun.	Sept. 25	6:25		7:40	6:10		7:25
Mon.	Sept. 26	-	Sun.	Oct. 2	6:35		7:25	6:25		7:10
Mon.	Oct. 3	-	Sun.	Oct. 9	6:45		7:10	6:35		6:55
Mon.	Oct. 10	-	Sun.	Oct. 16	6:55		7:05	6:40		6:45
Mon.	Oct. 17	-	Sun.	Oct. 23	7:05		6:40	6:55		6:30
Mon.	Oct. 24	-	Sat.	Oct. 29	7:15		6:30	7:00		6:20

(12) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON THURSDAY

Dates (Inclusive)					Western Washington from A.M.	to	P.M.	Eastern Washington from A.M.	to	P.M.
				Pacific Standard Time						
			Sun.	Oct. 30	6:20		5:25	6:10		5:15
Mon.	Oct. 31	-	Sun.	Nov. 6	6:25		5:20	6:15		5:05
Mon.	Nov. 7	-	Sun.	Nov. 13	6:35		5:10	6:25		4:55
Mon.	Nov. 14	-	Sun.	Nov. 20	6:45		5:00	6:35		4:50
Mon.	Nov. 21	-	Sun.	Nov. 27	6:55		4:55	6:45		4:40
Mon.	Nov. 28	-	Sun.	Dec. 4	7:05		4:50	6:55		4:40
Mon.	Dec. 5	-	Sun.	Dec. 11	7:15		4:50	7:00		4:35
Mon.	Dec. 12	-	Sun.	Dec. 18	7:20		4:50	7:10		4:35
Mon.	Dec. 19	-	Sun.	Dec. 25	7:25		4:50	7:10		4:40
Mon.	Dec. 26	-	Sun.	Jan. 1	7:25		4:55	7:15		4:45
Mon.	Jan. 2	-	Sun.	Jan. 8	7:25		5:00	7:15		4:50
Mon.	Jan. 9	-	Sun.	Jan. 15	7:25		5:10	7:10		5:00
Mon.	Jan. 16	-	Sun.	Jan. 22	7:20		5:20	7:10		5:10
Mon.	Jan. 23	-	Sun.	Jan. 29	7:15		5:30	7:00		5:20
Mon.	Jan. 30	-	Tues.	Jan. 31	7:10		5:35	6:55		5:25

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

(a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.

(b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(13) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON FRIDAY

Dates (Inclusive)					Western Washington from A.M.	to	P.M.	Eastern Washington from A.M.	to	P.M.
				Daylight Savings Time						
Fri.	Sept. 1	-	Sun.	Sept. 3	6:00		8:20	5:45		8:05
Mon.	Sept. 4	-	Sun.	Sept. 10	6:05		8:10	5:55		7:55
Mon.	Sept. 11	-	Sun.	Sept. 17	6:15		7:55	6:05		7:40
Mon.	Sept. 18	-	Sun.	Sept. 24	6:25		7:40	6:10		7:30
Mon.	Sept. 25	-	Sun.	Oct. 1	6:35		7:25	6:20		7:15
Mon.	Oct. 2	-	Sun.	Oct. 8	6:45		7:10	6:30		7:00
Mon.	Oct. 9	-	Sun.	Oct. 15	6:55		6:55	6:40		6:45
Mon.	Oct. 16	-	Sun.	Oct. 22	7:05		6:45	6:50		6:30
Mon.	Oct. 23	-	Sat.	Oct. 28	7:10		6:35	7:00		6:20
				Pacific Standard Time						
			Sun.	Oct. 29	6:20		5:30	6:05		5:15
Mon.	Oct. 30	-	Sun.	Nov. 5	6:25		5:20	6:10		5:10
Mon.	Nov. 6	-	Sun.	Nov. 12	6:35		5:10	6:25		5:00
Mon.	Nov. 13	-	Sun.	Nov. 19	6:45		5:00	6:35		4:50
Mon.	Nov. 20	-	Sun.	Nov. 26	6:55		4:55	6:45		4:45
Mon.	Nov. 27	-	Sun.	Dec. 3	7:05		4:50	6:55		4:40
Mon.	Dec. 4	-	Sun.	Dec. 10	7:15		4:50	7:00		4:35
Mon.	Dec. 11	-	Sun.	Dec. 17	7:20		4:50	7:10		4:35
Mon.	Dec. 18	-	Sun.	Dec. 24	7:25		4:50	7:10		4:40
Mon.	Dec. 25	-	Sun.	Dec. 31	7:25		4:55	7:15		4:40
Mon.	Jan. 1	-	Sun.	Jan. 7	7:30		5:00	7:15		4:50
Mon.	Jan. 8	-	Sun.	Jan. 14	7:25		5:10	7:15		5:00
Mon.	Jan. 15	-	Sun.	Jan. 21	7:20		5:20	7:10		5:10

(13) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON FRIDAY

					Western Washington from			Eastern Washington from		
Dates (Inclusive)					A.M.	to	P.M.	A.M.	to	P.M.
Mon.	Jan. 22	-	Sun.	Jan. 28	7:15		5:30	7:00		5:20
Mon.	Jan. 29	-	Wed.	Jan. 31	7:10		5:35	6:55		5:20

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

(a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.

(b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(14) OFFICIAL HUNTING HOURS
FOR GAME ANIMALS AND FOREST GROUSE*
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SATURDAY

					Western Washington from			Eastern Washington from		
Dates (Inclusive)					A.M.	to	P.M.	A.M.	to	P.M.
				Daylight Savings Time						
Sat.	Sept. 1	-	Sun.	Sept. 2	6:00		8:20	5:45		8:10
Mon.	Sept. 3	-	Sun.	Sept. 9	6:05		8:10	5:50		8:00
Mon.	Sept. 10	-	Sun.	Sept. 16	6:15		7:55	6:00		7:45
Mon.	Sept. 17	-	Sun.	Sept. 23	6:20		7:40	6:10		7:30
Mon.	Sept. 24	-	Sun.	Sept. 30	6:30		7:25	6:20		7:15
Mon.	Oct. 1	-	Sun.	Oct. 7	6:40		7:15	6:30		7:00
Mon.	Oct. 8	-	Sun.	Oct. 14	6:50		7:00	6:40		6:45
Mon.	Oct. 15	-	Sun.	Oct. 21	7:00		6:45	6:50		6:35
Mon.	Oct. 22	-	Sat.	Oct. 27	7:10		6:35	7:00		6:20
				Pacific Standard Time						
			Sun.	Oct. 28	6:15		5:30	6:05		5:15
Mon.	Oct. 29	-	Sun.	Nov. 4	6:20		5:20	6:10		5:10
Mon.	Nov. 5	-	Sun.	Nov. 11	6:35		5:10	6:20		5:00
Mon.	Nov. 12	-	Sun.	Nov. 18	6:45		5:05	6:30		4:50
Mon.	Nov. 19	-	Sun.	Nov. 25	6:55		4:55	6:40		4:45
Mon.	Nov. 26	-	Sun.	Dec. 2	7:05		4:50	6:50		4:40
Mon.	Dec. 3	-	Sun.	Dec. 9	7:10		4:50	7:00		4:35
Mon.	Dec. 10	-	Sun.	Dec. 16	7:20		4:50	7:05		4:35
Mon.	Dec. 17	-	Sun.	Dec. 23	7:25		4:50	7:10		4:35
Mon.	Dec. 24	-	Sun.	Dec. 30	7:25		4:55	7:15		4:40
Mon.	Dec. 31	-	Sun.	Jan. 6	7:25		5:00	7:15		4:50
Mon.	Jan. 7	-	Sun.	Jan. 13	7:25		5:10	7:15		4:55
Mon.	Jan. 14	-	Sun.	Jan. 20	7:20		5:15	7:10		5:05
Mon.	Jan. 21	-	Sun.	Jan. 27	7:15		5:25	7:05		5:15
Mon.	Jan. 28	-	Thur .	Jan. 31	7:10		5:35	7:00		5:25

* These are lawful hunting hours (one-half hour before sunrise to one-half hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

Exceptions:

(a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons except when that area is open to modern firearm hunting of deer or elk, hunting hours shall be one-half hour before sunrise to one-half hour after sunset.

(b) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

[Statutory Authority: RCW 77.12.047. 03-06-110 (Order 03-23), § 232-12-289, filed 3/5/03, effective 4/5/03.]

WAC 232-12-828 Hunting of game birds and animals by persons with a disability. (1) Definitions:

(a) "Hunter with a disability" means a person with a permanent disability who possesses a disabled hunter permit issued by the department. A hunter with a disability must have all required licenses, tags, permits, and stamps before hunting.

(b) "Disabled hunter permit" means a permit, card, or endorsement to a license issued by the department to any person with a permanent disability who applies to the department and presents such evidence as the director may require showing that the applicant is a person with a qualifying disability. Upon approval of the application, the department will issue a vehicle identification placard. A designated hunter companion card will be issued with a hunting license.

(c) "Designated hunter companion" means a person who assists a hunter with a disability in the stalking, shooting, tracking, retrieving, or tagging of game birds and game animals.

(d) "Designated hunter companion card" means an identification card issued by the department to the hunter with a disability.

(e) "Blind or visually impaired" means a central visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field does not exceed twenty degrees.

(f) "Accompany" means the hunter with a disability and the designated hunter companion are in the physical presence of each other, not to exceed 1/4 mile separation. While stalking or shooting an animal, the hunter with a disability and the designated hunter companion must have a form of reliable and direct communication.

(g) "Special use permit" means a permit issued by the department to a person with a specific permanent disability as a reasonable accommodation. The special use permit allows for a specific act or acts to include, but not be limited to, use of adaptive mechanical, electrical, or specialty equipment or devices that aid the person in hunting.

(h) "Person with a disability" means:

(i) A person who has a permanent disability and is not ambulatory over natural terrain without a lower extremity prosthesis or must permanently use a medically prescribed assistive device for mobility, including, but not limited to, a wheelchair, crutch, cane, walker, or oxygen bottle; or

(ii) A person who has a permanent disability and is physically incapable of holding and safely operating a firearm or other legal hunting device.

This definition includes, but is not limited to, persons with a permanent upper or lower extremity impairment who have lost the use of one or both upper or lower extremities, or who have a severe limitation in the use of one or both upper or lower extremities, or who have a diagnosed permanent disease or disorder which substantially impairs or severely interferes with mobility or the use of one or both upper or lower extremities for holding and safely operating a firearm or other legal hunting device; or

(iii) A person who is blind or visually impaired.

"Visually impaired" means central visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field is no greater than twenty degrees.

(2) The designated hunter companion must accompany the hunter with a disability when stalking or shooting game on behalf of the hunter with a disability. The hunter with a disability or the designated hunter companion must immediately cut, notch, or date any required tag. The tag must be affixed to the carcass of the game bird or animal as soon as is reasonably possible after killing the game.

(3) The designated hunter companion does not need to accompany the hunter with a disability while tracking an animal wounded by either hunter, or while tagging or retrieving a downed animal on behalf of the hunter with a disability.

(4) It is unlawful for a designated hunter companion to assist a hunter with a disability unless the designated hunter companion has the designated hunter companion identification card on his or her person.

(5) It is unlawful for a hunter with a disability to shoot from a motor vehicle, nonhighway vehicle or snowmobile unless the vehicle is stopped, the motor is turned off and the vehicle is not on or beside the maintained portion of a public highway. A disabled hunter vehicle identification placard must be displayed.

(6) It is unlawful for any person to possess a loaded firearm in a moving vehicle or to shoot a firearm or bow and arrow from, across, or along the maintained portion of a public highway.

(7) Game birds or game animals killed, tagged or retrieved by a designated hunter companion on behalf of a hunter with a disability do not count against the designated hunter companion's bag or possession limit.

(8) A designated hunter companion shooting game for or may be shooting game for a hunter with a disability must have a valid hunting license issued by Washington or another state.

[Statutory Authority: RCW 77.12.047. 03-10-040 (Order 03-85), § 232-12-828, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.32.237. 96-03-084 (Order 96-07), § 232-12-828, filed 1/18/96, effective 2/18/96.]

Chapter 232-16 WAC
GAME RESERVES

WAC

232-16-600	North Potholes Game Reserve.
232-16-660	Frenchmen Hills Wasteway Game Reserve.
232-16-740	Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.

WAC 232-16-600 North Potholes Game Reserve. Those lands in Grant County within the following described boundary: In T19N, R27E WM; the N.E. 1/4 of Section 32, and the N.E. 1/4 S.E. 1/4 of Section 32, all of Section 33, except the S.W. 1/4 S.W. 1/4, and all of Section 34.

In T18N, R27E WM; all of Section 4, except the N.W. 1/4 and the N.W. 1/4 N.E. 1/4; all of Section 3; that part of Section 10 north of the Job Corps Dike Rd; that part of Section 9 east of the fenceline, beginning at the N.W. corner of Section 9, and then following said fenceline southeasterly to the fence on the northern section line of Section 16 near Job Corps Dike Road; those portions of sections 15 and 16 north of the above mentioned fence to the west end of the Job Corps Dike; and that part of Section 15 north of the Job Corps Dike Road.

[Statutory Authority: RCW 77.12.047. 03-16-087 (Order 03-175), § 232-16-600, filed 8/5/03, effective 9/5/03. Statutory Authority: RCW 77.12.040. 79-09-082 (Order 141), § 232-16-600, filed 8/31/79.]

WAC 232-16-660 Frenchmen Hills Wasteway Game Reserve. It shall be unlawful to hunt wild animals and wild birds within the following described boundary: T17N, R27E, the north 1/2, and the north 1/2 of south 1/2 of Section 17. 480 acres.

[Statutory Authority: RCW 77.12.047. 03-16-087 (Order 03-175), § 232-16-660, filed 8/5/03, effective 9/5/03. Statutory Authority: RCW 77.12.040. 83-18-043 (Order 217), § 232-16-660, filed 9/1/83.]

WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures. [It shall be unlawful to hunt migratory waterfowl, coot and jacksnipe on or within the following described areas:]

Section 1. Waters and land below the mean high water mark of Bachelor Island Slough of the Columbia River in Clark County. Bachelor Island Slough is further defined as those waters starting at the south end of the slough at its confluence with the Columbia river, running north along the eastern shore of Bachelor Island to the confluence with Lake River.

Section 2. Klickitat County - the Columbia River and those lands lying within one-quarter mile of the Columbia River upstream from the railroad bridge at Wishram to the grain elevator at Roosevelt.

Section 3. The Columbia River between the mouth of Glade Creek (river channel marker 57) and the old town site of Paterson (river channel marker 67), except the hunting of waterfowl, coot, and snipe is permitted from the main shoreline of the Columbia River in this area.

Section 4. The Columbia River and those lands lying within one-quarter mile of the Columbia River between the old Hanford townsite (Wooden Tower) powerline crossing in Section 30, T13N, R28E, to Vernita Bridge (Highway 24).

Section 5. The Columbia River between the public boat launch at Sunland Estates (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.

Section 6. The Snake River and those lands within one-quarter mile of the Snake River, between the U.S. Highway 12 bridge near Burbank, upstream to Lower Monumental Dam.

Section 7. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Sunnyside-Mabton Road bridge downstream to the Euclid Road bridge (4 miles).

Section 8. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Grant Avenue bridge (steel bridge) north of Prosser downstream 2-1/2 miles, to the powerline.

[Statutory Authority: RCW 77.12.047. 03-16-087 (Order 03-175), § 232-16-740, filed 8/5/03, effective 9/5/03. Statutory Authority: RCW 77.12.040. 97-18-023 (Order 97-163), § 232-16-740, filed 8/25/97, effective 9/25/97. Statutory Authority: RCW 77.12.040 and 77.12.010. 96-18-005 (Order 96-123), § 232-16-740, filed 8/22/96, effective 9/22/96.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Chapter 232-19 WAC
DEPARTMENT OF GAME SEPA PROCEDURES

WAC

232-19-010 through 232-19-180 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

232-19-010 Authority. [Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. 84-20-012 (Order 238), § 232-19-010, filed 9/24/84. Formerly chapter 232-18 WAC.] Repealed by 03-10-038 (Order 03-83), filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.12.047.

232-19-015 Policy. [Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. 84-20-012 (Order 238), § 232-19-015, filed 9/24/84.] Repealed by 03-10-038 (Order 03-83), filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.12.047.

232-19-020 Adoption by reference. [Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. 84-20-012 (Order 238), § 232-19-020, filed 9/24/84.] Repealed by 03-10-038 (Order 03-83), filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.12.047.

232-19-030 Purpose. [Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. 84-20-012 (Order 238), § 232-19-030, filed 9/24/84.] Repealed by 03-10-038 (Order 03-83), filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.12.047.

232-19-040 Additional definitions. [Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. 84-20-012 (Order 238), § 232-19-040, filed 9/24/84.] Repealed by 03-10-038 (Order 03-83), filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.12.047.

232-19-050 Designation of responsible official. [Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. 84-20-012 (Order 238), § 232-19-050, filed 9/24/84.] Repealed by 03-10-038 (Order 03-83), filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.12.047.

232-19-055 SEPA public information center. [Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. 84-20-012 (Order 238), § 232-19-055, filed 9/24/84.] Repealed by 03-10-038 (Order 03-83), filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.12.047.

232-19-060 EIS preparation. [Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. 84-20-012 (Order 238), § 232-19-060, filed 9/24/84.] Repealed by 03-10-038 (Order 03-83), filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.12.047.

232-19-070 Environmentally sensitive areas. [Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. 84-20-012 (Order 238), § 232-19-070, filed 9/24/84.] Repealed by 03-10-038 (Order 03-83), filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.12.047.

232-19-080 Threshold levels adopted by local governments. [Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. 84-20-012 (Order 238), § 232-19-080, filed 9/24/84.] Repealed by 03-10-038 (Order 03-83), filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.12.047.

232-19-090 Coordination of combined state-federal action. [Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. 84-20-012 (Order 238), § 232-19-090, filed 9/24/84.] Repealed by 03-10-038 (Order 03-83), filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.12.047.

232-19-100 Public notice requirements. [Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. 84-20-012 (Order 238), § 232-19-100, filed 9/24/84.] Repealed by 03-10-038 (Order 03-83), filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.12.047.

232-19-110 Notice/statute of limitations. [Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. 84-20-012 (Order 238), § 232-19-110, filed 9/24/84.] Repealed by 03-10-038 (Order 03-83), filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.12.047.

232-19-120 Policies and procedures for conditioning or denying permits or other approvals. [Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. 84-20-012 (Order 238), § 232-19-120, filed 9/24/84.] Repealed by 03-10-038 (Order 03-83), filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.12.047.

232-19-130 Informal appeal. [Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. 84-20-012 (Order 238), § 232-19-130, filed 9/24/84.] Repealed by 03-10-038 (Order 03-83), filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.12.047.

232-19-140 Formal administrative appeal. [Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. 84-20-012 (Order 238), § 232-19-140, filed 9/24/84.] Repealed by 03-10-038 (Order 03-83), filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.12.047.

232-19-180 Severability. [Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. 84-20-012 (Order 238), § 232-19-180, filed 9/24/84.] Repealed by 03-10-038 (Order 03-83), filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.12.047.

WAC 232-19-010 through 232-19-180 Repealed. See Disposition Table at beginning of this chapter.

Chapter 232-28 WAC
SEASONS AND LIMITS

WAC

232-28-02201 Repealed.
232-28-02202 Repealed.
232-28-02203 Repealed.
232-28-02204 Repealed.
232-28-02205 Repealed.
232-28-02206 Repealed.
232-28-02220 Repealed.
232-28-02240 Repealed.
232-28-02280 Repealed.
232-28-248 Special closures and firearm restriction areas.
232-28-266 2003-2004, 2004-2005, 2005-2006 Landowner damage hunts.
232-28-271 Private lands wildlife management area hunting seasons, rules and boundary descriptions.
232-28-272 2003-2004, 2004-2005, and 2005-2006 Black bear and cougar hunting seasons and regulations.
232-28-273 2003 Moose, bighorn sheep, and mountain goat seasons and permit quotas.
232-28-276 Repealed.
232-28-278 Repealed.
232-28-279 Repealed.
232-28-282 Big game and wild turkey auction, raffle, and special incentive permits.
232-28-291 Special hunting season permits.
232-28-331 Game management units (GMUs) boundary descriptions—Region one.
232-28-332 Game management units (GMUs) boundary descriptions—Region two.
232-28-333 Game management units (GMUs) boundary descriptions—Region three.
232-28-334 Game management units (GMUs) boundary descriptions—Region four.
232-28-335 Game management units (GMUs) boundary descriptions—Region five.
232-28-336 Game management units (GMUs) boundary descriptions—Region six.
232-28-337 Deer and elk area descriptions.
232-28-341 2003-04, 2004-05, 2005-06 Small game seasons.
232-28-351 2003-2005 Deer general seasons and 2003 special permits.
232-28-352 2003-2005 Elk general seasons and 2003 special permits.
232-28-426 Repealed.
232-28-427 2003-04 Migratory waterfowl seasons and regulations.
232-28-515 Trapping seasons and regulations.
232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules.
232-28-620 Coastal salmon—Saltwater seasons and daily limits.
232-28-621 Puget Sound salmon—Saltwater seasons and daily limits.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

232-28-02201 Game management units (GMUs)—Special game areas—Boundary descriptions—Region one. [Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-04-017 (Order 00-05), § 232-28-02201, filed 1/24/00, effective 2/24/00. Statutory Authority: RCW 77.12.040. 99-10-102 (Order 99-40), § 232-28-02201, filed 5/5/99, effective 6/5/99; 98-10-015 (Order 98-64), § 232-28-02201, filed 4/22/98, effective 5/23/98; 97-06-050 (Order 97-34), § 232-28-02201, filed 2/27/97, effective 3/30/97; 94-11-031 (Order 639), § 232-28-02201, filed 5/10/94, effective 6/10/94.] Repealed by 03-06-110 (Order 03-23), filed 3/5/03, effective 4/5/03. Statutory Authority: RCW 77.12.047.

232-28-02202 Game management units (GMUs)—Special game areas—Boundary descriptions—Region two. [Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-11-137 (Order 00-50), § 232-28-02202, filed 5/23/00, effective 6/23/00; 00-04-017 (Order 00-05), § 232-28-02202, filed 1/24/00, effective 2/24/00. Statutory Authority: RCW 77.12.040. 98-10-014 (Order 98-65), § 232-28-02202, filed 4/22/98, effective 5/23/98; 97-06-049 (Order 97-35), § 232-28-02202, filed 2/27/97, effective 3/30/97; 95-18-067 (Order 95-121), § 232-28-02202, filed 9/1/95, effective 10/2/95; 95-03-024 (Order 94-135), § 232-28-02202, filed 1/10/95, effective 2/10/95; 94-11-032 (Order 640), § 232-28-02202, filed 5/10/94, effective 6/10/94.] Repealed by 03-06-110 (Order 03-23), filed 3/5/03, effective 4/5/03. Statutory Authority: RCW 77.12.047.

232-28-02203 Game management units (GMUs)—Special game areas—Boundary descriptions—Region three. [Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-28-02203, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040, 77.12.020, 77.04.012. 01-04-037 (Order 00-254), § 232-28-02203, filed 1/31/01, effective 3/3/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-04-017 (Order 00-05), § 232-28-02203, filed 1/24/00, effective 2/24/00. Statutory Authority: RCW 77.12.040. 99-10-102 (Order 99-40), § 232-28-02203, filed 5/5/99, effective 6/5/99; 98-10-016 (Order 98-66), § 232-28-02203, filed 4/22/98, effective 5/23/98; 97-06-048 (Order 97-36), § 232-28-02203, filed 2/27/97, effective 3/30/97. Statutory Authority: RCW 77.12.010 and 77.12.040. 96-04-027, § 232-28-02203, filed 2/1/96, effective 3/3/96. Statutory Authority: RCW 77.12.040. 95-03-025 (Order 94-136), § 232-28-02203, filed 1/10/95, effective 2/10/95; 94-11-033 (Order 641), § 232-28-02203, filed 5/10/94, effective 6/10/94.] Repealed by 03-06-110 (Order 03-23), filed 3/5/03, effective 4/5/03. Statutory Authority: RCW 77.12.047.

232-28-02204 Game management units (GMUs)—Special game areas—Boundary descriptions—Region four. [Statutory Authority: RCW 77.12.040, 77.12.020, 77.04.012. 01-04-037 (Order 00-254), § 232-28-02204, filed 1/31/01, effective 3/3/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-04-017 (Order 00-05), § 232-28-02204, filed 1/24/00, effective 2/24/00. Statutory Authority: RCW 77.12.040. 99-10-102 (Order 99-40), § 232-28-02204, filed 5/5/99, effective 6/5/99; 98-10-013 (Order 98-67), § 232-28-02204, filed 4/22/98, effective 5/23/98; 97-06-044 (Order 97-37), § 232-28-02204, filed 2/27/97, effective 3/30/97. Statutory Authority: RCW 77.12.010 and 77.12.040. 96-04-027, § 232-28-02204, filed 2/1/96, effective 3/3/96. Statutory Authority: RCW 77.12.040. 95-03-026 (Order 94-137), § 232-28-02204, filed 1/10/95, effective 2/10/95; 94-11-034 (Order 642), § 232-28-02204, filed 5/10/94, effective 6/10/94.] Repealed by 03-06-110 (Order 03-23), filed 3/5/03, effective 4/5/03. Statutory Authority: RCW 77.12.047.

232-28-02205 Game management units (GMUs)—Special game areas—Boundary descriptions—Region five. [Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-28-02205, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-04-017 (Order 00-05), § 232-28-02205, filed 1/24/00, effective 2/24/00. Statutory Authority:

RCW 77.12.040. 99-10-102 (Order 99-40), § 232-28-02205, filed 5/5/99, effective 6/5/99; 98-10-012 (Order 98-68), § 232-28-02205, filed 4/22/98, effective 5/23/98; 97-06-043 (Order 97-38), § 232-28-02205, filed 2/27/97, effective 3/30/97. Statutory Authority: RCW 77.12.010 and 77.12.040. 96-04-027 (Order 98-68), § 232-28-02205, filed 2/1/96, effective 3/3/96. Statutory Authority: RCW 77.12.040. 95-03-027 (Order 94-138), § 232-28-02205, filed 1/10/95, effective 2/10/95; 94-11-035 (Order 643) § 232-28-02205, filed 5/10/94, effective 6/10/94.] Repealed by 03-06-110 (Order 03-23), filed 3/5/03, effective 4/5/03. Statutory Authority: RCW 77.12.047.

232-28-02206 Game management units (GMUs)—Special game areas—Boundary descriptions—Region six. [Statutory Authority: RCW 77.12.040, 77.12.020, 77.04.012. 01-04-037 (Order 00-254), § 232-28-02206, filed 1/31/01, effective 3/3/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-04-017 (Order 00-05), § 232-28-02206, filed 1/24/00, effective 2/24/00. Statutory Authority: RCW 77.12.040. 98-10-011 (Order 98-69), § 232-28-02206, filed 4/22/98, effective 5/23/98; 97-06-041 (Order 97-39), § 232-28-02206, filed 2/27/97, effective 3/30/97; 95-03-028 (Order 94-139), § 232-28-02206, filed 1/10/95, effective 2/10/95; 94-11-036 (Order 644), § 232-28-02206, filed 5/10/94, effective 6/10/94.] Repealed by 03-06-110 (Order 03-23), filed 3/5/03, effective 4/5/03. Statutory Authority: RCW 77.12.047.

232-28-02220 Game management units (GMUs)—Special game areas—Boundary descriptions—Elk and deer area descriptions. [Statutory Authority: RCW 77.12.047, 77.12.655, 77.12.020. 02-11-069 (Order 02-98), § 232-28-02220, filed 5/10/02, effective 6/10/02. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-28-02220, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-04-017 (Order 00-05), § 232-28-02220, filed 1/24/00, effective 2/24/00. Statutory Authority: RCW 77.12.040. 98-10-017 (Order 98-62), § 232-28-02220, filed 4/22/98, effective 5/23/98; 97-06-059 (Order 97-41), § 232-28-02220, filed 2/27/97, effective 3/30/97. Statutory Authority: RCW 77.12.010 and 77.12.040. 96-04-027, § 232-28-02220, filed 2/1/96, effective 3/3/96. Statutory Authority: RCW 77.12.040. 95-11-035, § 232-28-02220, filed 5/10/95, effective 6/10/95; 95-03-040 (Order 94-155), § 232-28-02220, filed 1/10/95, effective 2/10/95; 94-11-038 (Order 646), § 232-28-02220, filed 5/10/94, effective 6/10/94.] Repealed by 03-13-047 (Order 03-129), filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 77.12.047.

232-28-02240 Game management units (GMUs)—Special game areas—Boundary descriptions—Muzzleloader area descriptions. [Statutory Authority: RCW 77.12.047, 77.12.655, 77.12.020. 02-11-069 (Order 02-98), § 232-28-02240, filed 5/10/02, effective 6/10/02. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-28-02240, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-04-017 (Order 00-05), § 232-28-02240, filed 1/24/00, effective 2/24/00. Statutory Authority: RCW 77.12.040. 99-10-102 (Order 99-40), § 232-28-02240, filed 5/5/99, effective 6/5/99; 98-10-020 (Order 98-63), § 232-28-02240, filed 4/22/98, effective 5/23/98; 97-06-060 (Order 97-43), § 232-28-02240, filed 2/27/97, effective 3/30/97. Statutory Authority: RCW 77.12.010 and 77.12.040. 96-04-027, § 232-28-02240, filed 2/1/96, effective 3/3/96. Statutory Authority: RCW 77.12.040. 94-18-058 (Order 94-57), § 232-28-02240, filed 8/31/94, effective 10/1/94; 94-11-040 (Order 648), § 232-28-02240, filed 5/10/94, effective 6/10/94.] Repealed by 03-13-047 (Order 03-129), filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 77.12.047.

232-28-02280 Game management units (GMUs)—Special game areas—Boundary descriptions—Cougar areas. [Statutory Authority: RCW 77.12.010 and 77.12.040. 96-04-027, § 232-28-02280, filed 2/1/96, effective 3/3/96. Statutory Authority: RCW 77.12.040. 95-03-030 (Order 94-141), § 232-28-02280, filed 1/10/95, effective 2/10/95; 94-11-044 (Order 652), § 232-28-02280, filed 5/10/94, effective 6/10/94.] Repealed by 03-06-110 (Order 03-23), filed 3/5/03, effective 4/5/03. Statutory Authority: RCW 77.12.047.

232-28-276 2000-01, 2001-02, and 2002-03 Official hunting hours and small game seasons. [Statutory Authority: RCW 77.12.047. 02-15-018 (Order 02-129), § 232-28-276, filed 7/8/02, effective 8/8/02. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-28-276, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-11-137 (Order 00-50), § 232-28-276, filed 5/23/00, effective 6/23/00.] Repealed by 03-13-047 (Order 03-129), filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 77.12.047.

232-28-278 2000-2002 Deer general seasons and 2002 special permits. [Statutory Authority: RCW 77.12.047, 77.12.655, 77.12.020. 02-11-069 (Order 02-98), § 232-28-278, filed 5/10/02, effective 6/10/02. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-28-278, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-11-137 (Order 00-50), § 232-28-278, filed 5/23/00, effective 6/23/00.] Repealed by 03-13-047 (Order 03-129), filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 77.12.047.

232-28-279 2000-2002 Elk general seasons and 2002-2003 special permits. [Statutory Authority: RCW 77.12.040. 02-18-005 (Order 02-194), § 232-28-279, filed 8/21/02, effective 9/21/02. Statutory Authority: RCW 77.12.047, 77.12.655, 77.12.020. 02-11-069 (Order 02-98), § 232-28-279, filed 5/10/02, effective 6/10/02. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-28-279, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-11-137 (Order 00-50), § 232-28-279, filed 5/23/00, effective 6/23/00.] Repealed by 03-13-047 (Order 03-129), filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 77.12.047.

232-28-426 2002-03 Migratory waterfowl seasons and regulations. [Statutory Authority: RCW 77.12.040. 02-18-005 (Order 02-194), § 232-28-426, filed 8/21/02, effective 9/21/02.] Repealed by 03-16-087 (Order 03-175), filed 8/5/03, effective 9/5/03. Statutory Authority: RCW 77.12.047.

WAC 232-28-02201 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-02202 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-02203 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-02204 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-02205 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-02206 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-02220 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-02240 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-02280 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-248 Special closures and firearm restriction areas.

RESTRICTED AND PROHIBITED HUNTING AREAS.

These areas are closed by Fish and Wildlife Commission action. Other areas may be closed to hunting by local, state or federal regulations.

IT IS ILLEGAL TO HUNT EXCEPT WHERE PROVIDED IN THE FOLLOWING AREAS:

1. Little Pend Oreille National Wildlife Refuge: The southern part of the Little Pend Oreille National Wildlife Refuge in Stevens County is closed to hunting and discharge of firearms except during the periods of April 15-May 15 and October 1-December 31. This closure is south of a boundary beginning at the west project boundary in Section 3, Township 34 N, R 40 EWM, then easterly along Road 1.0 (Bear Creek Road) to the intersection with Road 2.0 (Blacktail Mountain Road) in Section 2, then easterly along Road 2.0 to the easterly boundary in Section 8, Township 34 N, R 42 EWM.

   The Little Pend Oreille National Wildlife Refuge north of the preceding boundary is open to all legally established hunting seasons from April 15 to May 15 and September through December.

2. Parker Lake: All lands south of Ruby Creek Road (USFS Road 2489), north of Tacoma Creek Road (USFS Road 2389) and west of Bonneville Power Administration power lines are designated as "CLOSED AREA" to the hunting of wild animals and wild birds year round. Both the Little Pend Oreille (1) and Parker Lake (2) closures were established to provide a protected area for the Air Force Military Survival Training Program.

3. Columbia River and all the islands in the river, and the Benton County shoreline below the high water mark, and any peninsula originating on the Benton County shoreline, between Vernita Bridge (Highway 24) downstream to the old Hanford townsite powerline crossing (wooden towers) in Section 24, T 13 N, R 27 E, is designated as a "CLOSED AREA" to the hunting of wild animals and wild birds.

4. Green River (GMU 485): Except for special permit hunters, who may also take a black bear and/or cougar with the appropriate license/tag options, all lands within GMU 485 are designated as a "CLOSED AREA" to the hunting of big game by Department of Fish and Wildlife regulated hunters throughout the year. During the general westside elk season and general and late deer seasons, all lands within GMU 485 are also designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds). The City of Tacoma enforces trespass within GMU 485 on lands owned or controlled by the City during all times of the year.

5. McNeil Island: McNeil Island (part of GMU 652) is closed to the hunting of all wild animals (including wild birds) year around.

6. Loo-wit (GMU 522): Closed to hunting and trapping within GMU 522 (Loo-wit).

7. The Voice of America Dungeness Recreation Area County Park in Clallam County is closed to all hunting except Wednesdays, weekends, and holidays, from the first weekend in October to the end of January.

BIG GAME CLOSURES

1. Clark, Cowlitz, Pacific, and Wahkiakum counties are closed to Columbian Whitetail Deer hunting.

2. Cathlamet: Beginning in the town of Skamokawa; then east along SR 4 to the Risk Road; then south and east along the Risk Road to Foster Road; then south along the Foster Road to the Elochoman River; then upstream along the Elochoman River to the Elochoman Valley Road (old SR 407); then west along the Elochoman Valley Road to SR 4; then east along SR 4 to SR 409; then south along SR 409 to the Cathlamet Channel of the Columbia River; then east along the north shore of the Cathlamet Channel to Cape Horn; then south in the Columbia River to the state line; then west along the state line to a point directly south of the mouth of Skamokawa Creek; then north on Skamokawa Creek to SR 4 and the point of beginning. This area is closed to all deer and elk hunting, to protect the Columbian Whitetail Deer.

3. Willapa National Wildlife Refuge: Except for Long Island, Willapa National Wildlife Refuge is closed to all big game hunting.

4. Walla Walla Mill Creek Watershed (GMU 157): All lands in the Mill Creek Watershed are designated as a "CLOSED AREA" to the hunting of all wild animals (including wild birds) except for holders of special elk permits during the established open season. This area is closed to motorized vehicles. Entry is allowed only by Forest Service permit for the duration of the hunt. Any entry into the Mill Creek Watershed at other times is prohibited.

5. Westport: Closed to hunting of all big game animals on that part of Westport Peninsula lying north of State Highway 105 from the west end of the Elk River Bridge and the Schafer Island Road to the ocean beach.

FIREARM RESTRICTION AREAS

The firearm restriction areas listed below have been established by the Fish and Wildlife Commission. Centerfire and rimfire rifles are not legal for hunting in these areas.

In firearm restriction areas, hunters may hunt only during the season allowed by their tag. Archery tag holders may hunt during archery seasons with archery equipment. Muzzleloaders may hunt during muzzleloader seasons with muzzleloader equipment except in the GMU 652 restriction area outlined for King County. Modern firearm tag holders may hunt during modern firearm seasons with bows and arrows, muzzleloaders or revolver-type handguns meeting the equipment restrictions or legal shotguns firing slugs or buckshot.

COUNTY	AREA
Clallam	That portion of GMU 624 (Coyle) located within Clallam County.
Clark	GMU 564 (Battleground) That portion of GMU 554 in Clark County.

COUNTY	AREA
Cowlitz	GMU 554 (Yale) GMU 504 (Stella) That portion of GMU 564 (Battleground) in Cowlitz County.
Grays Harbor	That portion of GMU 658 (North River) beginning at Bay City; then west along Highway 105 to Twin Harbors State Park; then south along Highway 105 to Grayland Grocery; then east on Cranberry Road to Turkey Road; then east and north on Turkey Road to Bayview Logging Road; then north and east along Bayview Logging Road to Mallard Slough; then east and south along the Bayview Road to Andrews Creek; then north along main channel of Andrews Creek to Grays Harbor; then north and west along the main navigation channel to Bay City and point of beginning. The Chehalis Valley restriction applies only during elk seasons: That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on the Oakville-Brooklyn Road to a point onemile west of South Bank Road; northwest along a line one mile southwest of the South Bank Road to Delzene Road; north along Delzene Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to the Chehalis River; west along the Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 to the point of beginning.
Island	That portion of GMU 410 (Island) located on Camano and Whidbey islands.
Jefferson	Indian and Marrowstone islands.
King	The area west of Highway 203 (Monroe-Fall City, Fall City-Preston Road) to Interstate 90 (I-90), I-90 to Highway 18, Highway 18 to Interstate 5 (I-5), I-5 to the Pierce-King County line; Vashon and Maury islands. The following portion of GMU 652 (Puyallup): Beginning at the intersection of State Highway 410 and the southeast Mud Mountain Dam Road near the King/Pierce County line north of Buckley; then east along the southeast Mud Mountain Road to 284th Avenue Southeast; then north along 284th Avenue Southeast to State Highway 410; then west along Highway 410 to the point of the beginning. (This restriction includes high power rifles and muzzleloaders.)
Kitsap	East of State Highway 16 originating at the Tacoma Narrows Bridge to Gorst, and east of Highway 3 to Newbury Hill Road, north of Newbury Hill Road and the Bremerton-Seabeck Highway to Big Beef Creek Bridge; all of Bainbridge Island, and Bangor Military Reservation.
Kittitas	GMU 334 (Ellensburg) Closed to high power rifles during deer and elk seasons.
Mason	GMU 633 (Mason Lake) south of Hammersley Inlet; and all of Harstene Island.
Pacific	GMU 684 (Long Beach) west of Sand Ridge Road. The portion of GMU 658 (North River) south and west of State Highway 105 and Airport Road between Raymond and North River Bridge. GMU 681 between U.S. Highway 101, Chinook Valley Road and the Columbia River from Astoria-Megler bridge to the Wallacut River.
Pierce	GMU 652 (Anderson and Ketron islands) limited to archery, shotgun, and muzzleloader. McNeil Island closed to hunting. See GMU 652 restriction area outlined for King County. GMU 627 (Kitsap) south of Highway 302 on the Longbranch Peninsula is a firearm restriction area.
Snohomish	West of Highway 9.
Skagit	Guemes Island and March Point north of State Highway 20.
Skamania	That portion of GMU 564 (Battle Ground) in Skamania County.
Thurston	GMU 666 (Deschutes) north of U.S. Highway 101 and Interstate 5 between Oyster Bay and the mouth of the Nisqually River.
Whatcom	Area west of I-5 and north of Bellingham city limits including Lummi Island and Point Roberts.

[Statutory Authority: RCW 77.12.047. 03-13-047 (Order 03-129), § 232-28-248, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 77.12.047, 77.12.655, 77.12.020. 02-11-069 (Order 02-98), § 232-28-248, filed 5/10/02, effective 6/10/02. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-28-248, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-11-137 (Order 00-50), § 232-28-248, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. 99-10-102 (Order 99-40), § 232-28-248, filed 5/5/99, effective 6/5/99; 98-10-018 (Order 98-54), § 232-28-248, filed 4/22/98, effective 5/23/98; 97-06-052 (Order 97-32), § 232-28-248, filed 2/27/97, effective 3/30/97. Statutory Authority: RCW 77.12.010 and 77.12.040. 96-04-027, § 232-28-248, filed 2/1/96, effective 3/3/96. Statutory Authority: RCW 77.12.040. 95-11-036, § 232-28-248, filed 5/10/95, effective 6/10/95; 95-03-038 (Order 94-150), § 232-28-248, filed 1/10/95, effective 2/10/95.]

WAC 232-28-266 2003-2004, 2004-2005, 2005-2006 Landowner damage hunts.

LANDOWNER DAMAGE HUNTS

Deer:

Tag Required: Deer hunter must have a current valid, unaltered, unnotched deer tag on his/her person.

Hunting Method: Any legal weapon.

Season Framework:

2003-2004	2004-2005	2005-2006
August 1-	August 1-	August 1-
March 31	March 31	March 31

Location: Statewide

Legal Deer: Antlerless Only

Kill Quota: 600 Statewide

Elk:

Tag Required: Elk hunter must have a current valid, unaltered, unnotched elk tag on his/her person.

Hunting Method: Any legal weapon

Season Framework:

2003-2004	2004-2005	2005-2006
August 1-	August 1-	August 1-
March 31	March 31	March 31

Location: Statewide

Legal Elk: Antlerless Only

Kill Quota: 200 Statewide

Special Notes: A landowner with deer/elk damage will enter into a Cooperative Agreement with WDFW and establish a boundary for deer/elk hunt, season dates within the framework and number of animals to be removed. Landowner agrees not to claim damage payments and will allow access to hunters during the general hunting seasons. Landowner selects hunters. A landowner damage access permit provided by the landowner will authorize the hunter to use an unused general deer/elk tag to hunt and kill a legal animal during the prescribed damage hunt season.

[Statutory Authority: RCW 77.12.047. 03-10-009 (Order 03-80), § 232-28-266, filed 4/25/03, effective 5/26/03. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-11-137 (Order 00-50), § 232-28-266, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.020, 77.12.030, 77.12.040 and 77.32.220. 97-05-074, § 232-28-266, filed 2/19/97, effective 3/22/97.]

WAC 232-28-271 Private lands wildlife management area hunting seasons, rules and boundary descriptions.

DEER GENERAL SEASONS ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

Rainier Timber Company (PLWMA 401) Kapowsin Tree Farm		
Hunting Method	**2003 Dates**	**Special Restrictions**
Archery	Aug. 22-Sept. 8	Any Buck
	Sept. 29-Oct. 5	2 Pt. Min. or Antlerless
Modern Firearm	Oct. 10-26	2 Pt. Min.
Muzzleloader	Nov. 21-Dec. 7	2 Pt. Min. or Antlerless

Merrill and Ring (PLWMA 600) Pysht Tree Farm		
Hunting Method	**2003 Dates**	**Special Restrictions**
Archery	Sept. 1-14 and Nov. 25-Dec. 31	Any Buck South Unit (600B)
Modern Firearm	Oct. 11-31 and Nov. 13-16	Any Buck South Unit (600B)
Muzzleloader	Oct. 1-9	Any Buck South Unit (600B)

2003 DEER PERMIT SEASONS ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

2003 - Mule and Whitetail Deer

Buckrun Limited Permit Draw Permits. Hunters apply to Washington Department of Fish and Wildlife in WDFW permit draw process. Only hunters possessing a modern firearm deer tag are eligible for Buckrun Limited draw hunts. Hunters can expect one day of hunting during the permit season with written authorization from the PLWMA manager. All hunters must check in and out on hunt day.

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Buckrun A	35	Sept. 1-Oct. 10	*Youth hunters, Antlerless deer	PLWMA 201
Buckrun B	35	Oct. 21-Nov. 15	Disabled hunters, Antlerless deer	PLWMA 201

* Youth hunters on Buckrun must be 12 - 15 years of age and must be accompanied by an adult during the hunt.
Hunts are scheduled by the manager 509-345-2577. All other hunting regulations apply.

2003 - Blacktail Deer
Rainier Timber Company Kapowsin Tree Farm -
Rainier Timber Company Permit Draw Deer Permits - Hunters apply to Washington Department of Fish and Wildlife in WDFW permit draw process.

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Kapowsin Central	30	Dec. 12-14	Antlerless Only, Age 65 and older Hunters	PLWMA 401B Central
	20	Dec. 12-14	Antlerless Only, AHE Hunters	PLWMA 401B Central
	50	Dec. 12-14	Antlerless Only	PLWMA 401B Central
Kapowsin South	50	Dec. 12-14	Antlerless Only, Youth Hunters	PLWMA 401C South
	50	Dec. 12-14	Antlerless Only, Disabled Hunters	PLWMA 401C South

ACCESS QUOTAS AND RAFFLE SEASONS ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

2003 - Mule and Whitetail Deer
Buckrun Limited Area - Access Quotas and Seasons
Only hunters possessing a modern firearm deer tag are eligible for access authorizations on PLWMA 201. An access fee will be charged for these hunts. You may contact the PLWMA manager, Derek Stevens, at (509) 345-2577 for information.

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Buckrun	70	Oct. 1-Dec. 7	Any Deer	PLWMA 201

2003 - Blacktail Deer
Rainier Timber Company Kapowsin Tree Farm — Raffle Quotas and Seasons
Hunter must contact Rainier Timber Company for auction/raffle permit opportunity.
Only hunters possessing a valid deer tag (any 2003 deer tag) are eligible for Rainier Timber Company buck permits. Hunters drawing a Rainier Timber Company deer raffle permit may purchase a second deer tag for the hunt. Persons interested in these deer permits should contact Rainier Timber Company, 31716 Camp 1 Road, Orting, WA 98360. For more information, please call 1-800-782-1493.

Hunt Name	Permit Number	Raffle Season	Special Restrictions	Boundary Description
Kapowsin North/Buck	8	Oct. 31-Nov. 16	Buck Only (Raffle)	PLWMA 401A North
Kapowsin Central/Buck	29	Oct. 31-Nov. 16	Buck Only (Raffle)	PLWMA 401B Central
Kapowsin South/Buck	14	Oct. 31-Nov. 16	Buck Only (Raffle)	PLWMA 401C South
Kapowsin North	50	Dec. 12-14	Antlerless Only (Raffle)	PLWMA 401A North

2003 - Blacktail Deer
Merrill and Ring's Pysht Tree Farm - Quotas and Seasons
An access fee will be charged by the landowner for hunting on the Pysht Tree Farm. The following hunts are raffle hunts offered by Merrill and Ring. Hunters must possess a valid deer tag when participating in these hunts. Persons interested in these hunts should contact Merrill and Ring, 11 Pysht River Rd., Clallam Bay, WA 98326. For more information, please call Merrill and Ring at 1-800-998-2382.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Description
Pysht North A	15	Sept. 1-14	Raffle, Archery, 3 pt. minimum	PLWMA (600A) North Unit
Pysht North B	20	Oct. 1-10	Raffle, Muzzleloader, 3 pt. minimum	PLWMA (600A) North Unit
Pysht North C	30	Nov. 8-23	Raffle, 3 pt. min.	PLWMA (600A) North Unit
Pysht North D	5	Nov. 8-23	Restricted, 3 pt. minimum	PLWMA (600A) North Unit

2003 ELK RAFFLE SEASONS ON PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

2003 - Elk
Rainier Timber Company (PLWMA 401) Kapowsin Tree Farm - Raffle Quotas and Seasons
Only hunters possessing a valid 2003 elk tag and meeting the special restrictions noted for each hunt are eligible for Rainier Timber Company access permits on PLWMA 401. Hunters must contact Rainier Timber Company for auction/raffle permit opportunity. Hunters drawing a Rainier Timber Company elk raffle permit are eligible to purchase a second elk tag for the hunt. Rainier Timber Company, 31716 Camp 1 Road, Orting, Washington 98360. For more information, please call 1-800-782-1493.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Descriptions
Kapowsin Bull North	2	Sept. 13-29	Auction/Raffle Any Bull, Any Tag	PLWMA 401A North
Kapowsin Bull Central	3	Sept. 13-29	Auction/Raffle Any Bull, Any Tag	PLWMA 401B Central
Kapowsin Bull South	3	Sept. 13-29	Auction/Raffle Any Bull, Any Tag	PLWMA 401C South

2003 - Elk
Merrill and Ring PLWMA 600 Pysht Tree Farm - Raffle Quota and Season
Hunter must contact Merrill and Ring for raffle hunt opportunity. For more information please call Merrill and Ring at 1-800-998-2382 or write to them at Merrill and Ring Tree Farm, 11 Pysht River Rd., Clallam Bay, WA 98326.

Hunt Name	Quota	Raffle Season	Special Restrictions	Boundary Descriptions
Pysht A	3	Sept. 15-30	Any Elk, Any Weapon	PLWMA 600
Pysht B	1	Sept. 1-14	Any Elk, Archery	PLWMA 600
Pysht C	1	Oct. 1-10	Any Elk, Muzzle Loader	PLWMA 600

AREA DESCRIPTIONS - PRIVATE LANDS WILDLIFE MANAGEMENT AREAS

PLWMA 201 - Buckrun Limited (Grant County): PLWMA 201 SHALL INCLUDE THE FOLLOWING DESCRIBED LANDS WITHIN GAME MANAGEMENT UNIT 272 (BEAZLEY) IN GRANT COUNTY:

T22N R29EWM:
Sections 2 (S 1/2 of NW 1/4), 3 (N 1/2), 4 (except SE 1/4 of SE 1/4), 5, 6 (those lands lying north of the Burlington Northern Santa Fe Railroad bed and S 1/2 of the SE 1/4), 8, and 9.
T23N R26EWM:
Section 13 (E 1/2 of SE 1/4).
T23N R27EWM:
Sections 7 (E 1/2 of SE 1/4 and SE 1/4 of NE 1/4), 8 (S 1/2 and S 1/2 of the NW 1/4), 11 (S 1/2), 12 (S 1/2 of SW 1/4 and SW 1/4 of SE 1/4), 13 (except the area between Dry Coulee Road and the Northern Pacific Railroad bed), 14, 17 (except those lands enrolled in the Hunt By Written Permission program), 18, 19, 20 (W 1/2), 21, 22, 23, 24, 25 (N 1/2), 26, and 27.
T23N R28EWM:
Sections 1, 2, 3 (except W 1/2 of W 1/2), 4 (W 1/2 of SE 1/4 south of the Pinto Ridge Road), 8 (SE 1/4 and S 1/2 of SW 1/4), 9 (southeast of the Pinto Ridge Road except the Stratford Game Reserve), 10 (NE 1/4 and the E 1/2 of NW 1/4), 12 (N 1/2), 15 (south of the Stratford Game Reserve), 16 (south of the Stratford Game Reserve), 18 (south of the Northern Pacific Railroad bed), 19, 20, 21, 22, 23, 26, 27, 28, 29 (N 1/2 and N 1/2 of the S 1/2), 30, 32 (SE 1/4, S 1/2 of NE 1/4 east of the Pinto Ridge Road), 33, 34 (N 1/2 and N 1/2 of the S 1/2), and 35 (north of the Stratford Game Reserve).
T23N R29EWM:
Sections 1 (S 1/2 of S 1/2), 5, 6, 7, 8, 9, 12 (except S 1/2 of SW 1/4), 13, 14, 15, 16 (E 1/2), 17, 18, 19 (except the Stratford Game Reserve), 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 (SE 1/4), 31, 32, 33, 34, and 35).
T24N R28EWM:
Section 35.
T24N R29EWM:
Sections 31 and 32 (W 1/2).
A map of PLWMA 201 is available from WDFW's Region 2 office in Ephrata, (509) 754-4624.

PLWMA 401 - Rainier Timber Company RTC (Pierce County): Beginning at the intersection of RTC haul road (RTC 1 Rd.) and the Camp One Road near the town of Kapowsin; southwest along the east side of Lake Kapowsin to Ohop Creek; up Ohop Creek to RTC ownership line; along ownership line to S.W. corner of the north half of Section 6, T16N, R5E; easterly along Weyerhaeuser/RTC ownership line to the intersection with Busy Wild Creek; up Busy Wild Creek to intersection with RTC ownership on the section line between Sections 10 & 15, T15N, R6E; west and south along DNR/RTC ownership line and Plum Creek Timber Co./RTC ownership line to most southerly point of RTC ownership (northwest of Ashford, WA); easterly along RTC ownership line to DNR/RTC ownership line; north and east to USFS/RTC ownership line; east along USFS/RTC ownership line to S.W. corner of Section 31, T16N, R7E; north along USFS/RTC ownership line to N.W. corner Section 32, T16N, R7E; east along Plum Creek Timber Co./USFS ownership line to N.E. corner of Section 32, T16N, R7E; south along USFS/RTC ownership line to S.E. corner Section 32, T16N, R7E; east along USFS/RTC ownership line to Mount Rainier National Park Boundary; north along Mount Rainier National Park Boundary to N.E. corner Section 24, T17N, R7E; northwest along SR 165 to intersection with Carbon River; down Carbon River to the BPA Transmission Line; south and west along the powerline to the Fisk Road; south

along the Fisk Road to the King Creek Gate; north and west along the Brooks Road BPA Transmission line; southwest along BPA Transmission line to the Puyallup River (excluding all small, private ownerships); up Puyallup River to intersection with RTC haul road bridge; south along RTC haul road to point of beginning. Another portion of PLWMA 401 RTC is the Buckley block (Kapowsin North described as follows: Beginning at the intersection of the BPA Transmission line and South Prairie Creek; up South Prairie Creek to East Fork South Prairie Creek; up East Fork South Prairie Creek to Plum Creek Timber Co./RTC ownership line (on south line of Section 33, T19N, R7E); along RTC ownership line to center line of Section 34, T19N, R7E; north and east along DNR/RTC ownership line to S.W. corner of Section 27, T19N, R7E; north along Weyerhaeuser/RTC ownership line to White River; down White River to where it crosses west line Section 6, T19N, R7E; south and west along RTC ownership line to intersection with South Prairie Creek; up South Prairie Creek to point of beginning.

PLWMA 401A - Kapowsin North (Buckley): That portion of PLWMA 401 description which includes the Buckley block.

PLWMA 401B - Kapowsin Central (King Creek): That portion of PLWMA 401 description which lies to the north of the Puyallup River, excluding the Buckley block.

PLWMA 401C - Kapowsin South (Kapowsin): That portion of PLWMA 401 description which lies to the south of the Puyallup River.

PLWMA 600 - Merrill and Ring (Clallam County): Beginning at Clallam Bay, east along the Strait of Juan de Fuca to the mouth of Deep Creek, south along Deep Creek to the township line between Townships 30 and 31, west along said township line to Highway 113 (Burnt Mt. Road) and north along Burnt Mt. Road (Highway 112 and 113) to Clallam Bay and point of beginning, except the following described lands: T31N R10W: E 1/2 W 1/2, E 1/2 West of Deep Creek Section 19, Except SW 1/4 NW 1/4, SW 1/4, W 1/2 E 1/2 West of Deep Creek Section 30, Except North & West of Deep Creek Section 31: T31N R11W; Except the SW 1/4 SE 1/4 Section 7, Except that portion of NW 1/4 SE 1/4 which is County Park Section 10, Except the NE 1/4 NE 1/4 Section 14, Except W 1/2, W 1/2 E 1/2, SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 16, Except SW 1/4 NE 1/4 Section 17, Except NW 1/4 NW 1/4, SW 1/4, NW 1/4 north of the Pysht River, SE 1/4 NW 1/4, south of the Pysht River, SE 1/4 NE 1/4, NW 1/4 SE 1/4 Section 18, Except W 1/2 SW 1/4 Section 27, Except S 1/2 S 1/2, N 1/2 SW 1/4 Section 28, Except E 1/2 SE 1/4, SW 1/4 SE 1/4, NE 1/4 SW 1/4 Section 29, Except SW 1/4 SE 1/4 Section 30, Except NE 1/4 Section 31, Except All Section 32, Except All Section 33, except SW 1/4 NE 1/4, S 1/2 Section 34, Except All Section 36, T31N R12W; Except SE 1/4 SE 1/4, W 1/2 SE 1/4 East of Highway 112 Section 4, Except All East of Highway 112 Section 9, Except E 1/2 NE 1/4, SW 1/4 NE 1/4, E 1/2 SW 1/4, NW 1/4 SE 1/4 Section 13, Except S 1/2 SE 1/4 Section 14, Except E 1/2 NW 1/4 East of Highway 112 Section 23, Except SE 1/4 SW 1/4, SW 1/4 SE 1/4 Section 26, Except N 1/2 N 1/2, NE 1/4 SW 1/4 Section 35, Except All Section 36: T32N R12W; Except W 1/2 SE 1/4 Section 21, Except All Section 22, Except NW 1/4 Section 27, Except NE 1/4, N 1/2 SE 1/4, E 1/2 W 1/2 East of Highway 112 Section 28, Except E 1/2 W 1/2 East of Highway 112 Section 33, Except S 1/2 Section 36.

PLWMA 600A North - Merrill and Ring North: That portion of PLWMA 600 north of Highway 112.

PLWMA 600B South - Merrill and Ring South: That portion of PLWMA 600 south of Highway 112.

[Statutory Authority: RCW 77.12.047. 03-03-016 (Order 03-03), § 232-28-271, filed 1/7/03, effective 2/7/03. Statutory Authority: RCW 77.12.047, 77.12.655, 77.12.020. 02-02-062 (Order 01-283), § 232-28-271, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 77.12.040, 77.12.020, 77.04.012. 01-04-037 (Order 00-254), § 232-28-271, filed 1/31/01, effective 3/3/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-04-017 (Order 00-05), § 232-28-271, filed 1/24/00, effective 2/24/00. Statutory Authority: RCW 77.12.040. 99-10-102 (Order 99-40), § 232-28-271, filed 5/5/99, effective 6/5/99; 99-01-138 (Order 98-249), § 232-28-271, filed 12/22/98, effective 1/22/99; 98-10-009 (Order 98-56), § 232-28-271, filed 4/22/98, effective 5/23/98; 98-01-206 (Order 97-248), § 232-28-271, filed 12/23/97, effective 1/23/98.]

WAC 232-28-272 2003-2004, 2004-2005, and 2005-2006 Black bear and cougar hunting seasons and regulations.

Fall Black Bear Seasons:

2003 Black bear seasons:

Black Bear Management Unit	Season	Hunt Area
Coastal	Aug. 1 - Nov. 15	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound	Aug. 1 - Nov. 15	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades	Aug. 1 - Nov. 15	GMUs 418-450, 460
South Cascades	Aug. 1 - Nov. 15	GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654
Okanogan	Aug. 1 - Nov. 15	GMUs 203, 209-243
East Cascades	Aug. 1 - Nov. 15	GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588
Northeastern A	Sept. 2 - Nov. 15	GMUs 101-117
Northeastern B	Aug. 1 - Nov. 15	GMUs 121-130, 204
Blue Mountains	Sept. 2 - Nov. 15	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Nov. 15	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
West Side PLWMAs	July 15 - Nov. 15	PLWMAs 401, 600
Long Island	Sept. 2 - Nov. 15	GMU 699

2004 Black bear seasons:

Black Bear Management Unit	Season	Hunt Area
Coastal	Aug. 1 - Nov. 15	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound	Aug. 1 - Nov. 15	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades	Aug. 1 - Nov. 15	GMUs 418-450, 460
South Cascades	Aug. 1 - Nov. 15	GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654
Okanogan	Aug. 1 - Nov. 15	GMUs 203, 209-243
East Cascades	Aug. 1 - Nov. 15	GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588
Northeastern A	Sept. 2 - Nov. 15	GMUs 101-117
Northeastern B	Aug. 1 - Nov. 15	GMUs 121-130, 204
Blue Mountains	Sept. 7 - Nov. 15	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Nov. 15	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
West Side PLWMAs	July 15 - Nov. 15	PLWMAs 401, 600
Long Island	Sept. 7 - Nov. 15	GMU 699

2005 Black bear seasons:

Black Bear Management Unit	Season	Hunt Area
Coastal	Aug. 1 - Nov. 15	GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684
Puget Sound	Aug. 1 - Nov. 15	GMUs 407, 410, 454, 624, 627, 633, 652, 666, 667
North Cascades	Aug. 1 - Nov. 15	GMUs 418-450, 460
South Cascades	Aug. 1 - Nov. 15	GMUs 466, 485, 505, 510-520, 524, 550-574, 653, 654
Okanogan	Aug. 1 - Nov. 15	GMUs 203, 209-243
East Cascades	Aug. 1 - Nov. 15	GMUs 244-247, 249-251, 328, 329-371, 382, 578, 588
Northeastern A	Sept. 2 - Nov. 15	GMUs 101-117
Northeastern B	Aug. 1 - Nov. 15	GMUs 121-130, 204
Blue Mountains	Sept. 6 - Nov. 15	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Nov. 15	GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381
West Side PLWMAs	July 15 - Nov. 15	PLWMAs 401, 600
Long Island	Sept. 6 - Nov. 15	GMU 699

Bag Limit: Two (2) black bear per annual hunting season only one of which may be taken in Eastern Washington.

Spring Permit Black Bear Seasons:

Permit quotas for each license year:

Hunt Name	Permit Hunt Boundary	Permit Level
Blue Creek	GMU 154	15
Dayton	GMU 162	15
Tucannon	GMU 166	10
Wenaha	GMU 169	30
Mt. View	GMU 172	15
Lick Creek	GMU 175	15
Grande Ronde	GMU 186	5

Who May Apply: Anyone with a valid Washington big game license, which includes black bear.

Bag Limit: One (1) black bear per black bear special permit season.

Permit Season: April 15 - May 31. Permits are valid for the license year they are issued.

Requirements for Spring and Fall Black Bear Seasons:

License Required: A valid big game hunting license, which includes black bear as a species option, is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option. A second black bear transport tag must be purchased to take a second bear.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

Submitting Bear Teeth: Successful bear hunters must submit the black bear premolar tooth located behind the canine tooth of the upper jaw.

Cougar Seasons:

Seasons for each license year, 2003-2005:

Cougar Management Unit	Season	Hunt Area
Coastal	Aug. 1 - Mar. 15	GMUs 501, 504, 506, 530, 601-621, 636-651, 658-663, 672-684, 699

Cougar Management Unit	Season	Hunt Area
Puget Sound	Aug. 1 - Mar. 15	GMUs 407, 410, 454, 624-633, 652, 666
North Cascades	Aug. 1 - Mar. 15	GMUs 418, 426, 437, 448, 450, 460, 466, 485
South Cascades	Aug. 1 - Mar. 15	GMUs 505, 510-520, 524, 550-574, 653, 654, 667
East Cascades North	Aug. 1 - Mar. 15	GMUs 203, 209-247, 249-251, 328, 329, 334-340
East Cascades South	Aug. 1 - Mar. 15	GMUs 342-368, 382, 578, 588
Northeastern	Aug. 1 - Mar. 15	GMUs 101-133, 204
Blue Mountains	Aug. 1 - Mar. 15	GMUs 145-154, 162-186
Columbia Basin	Aug. 1 - Mar. 15	GMUs 136-142, 248, 254-290, 330, 371, 372, 381

Requirements for Cougar Seasons:

License Required: A valid big game hunting license which includes cougar as a species option is required to hunt cougar.

Bag Limit: Two (2) cougar per license year excluding public safety cougar removals. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

Tag Information: One cougar transport tag is included with a big game license that has cougar as a species option. A second cougar transport tag must be purchased to take a second cougar.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. The use of hounds to hunt cougar is prohibited except during a public safety cougar removal.

Cougar Pelt Sealing: Any person who takes a cougar must notify the department within 72 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be sealed by an authorized department employee within five days of the notification of kill. Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

[Statutory Authority: RCW 77.12.047. 03-13-047 (Order 03-129), § 232-28-272, filed 6/12/03, effective 7/13/03; 01-20-011 (Order 01-198), § 232-28-272, filed 9/20/01, effective 10/21/01. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-28-272, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.047. 00-21-038 (Order 00-215), § 232-28-272, filed 10/12/00, effective 11/12/00. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-11-137 (Order 00-50), § 232-28-272, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. 99-01-138 (Order 98-249), § 232-28-272, filed 12/22/98, effective 1/22/99; 98-10-008 (Order 98-57), § 232-28-272, filed 4/22/98, effective 5/23/98.]

WAC 232-28-273 2003 Moose, bighorn sheep, and mountain goat seasons and permit quotas.

2003 Moose Permit Hunts

Who May Apply: Anyone may apply; EXCEPT those who harvested a moose previously in Washington state. An individual may only harvest one moose during their lifetime (except waived for antlerless only hunts and raffle and auction hunts).

Bag Limit: One moose of either sex, EXCEPT antlerless only for the 49 Degrees North B persons with disabilities hunt, Hangman B Hunt, Mt. Spokane B Hunt and the Mt. Spokane Youth Hunt.

Weapon Restrictions: Permit holders may use any legal weapon.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	2003 Permits
Kettle Range	Oct. 1-Nov. 30	GMU 101, 105	Any Moose	1
Selkirk Mtns.	Oct. 1-Nov. 30	GMU 113	Any Moose	20
Mt. Spokane A	Oct. 1-Nov. 30	GMU 124, east of Hwy 395	Any Moose	10
Mt. Spokane B	Oct. 1-Nov. 30	GMU 124, east of Hwy 395	Antlerless Only	12
Mt. Spokane Youth Only[a]	Oct. 1-Nov. 30	GMU 124, east of Hwy 395	Antlerless Only	8
49 Degrees North	Oct. 1-Nov. 30	GMU 117	Any Moose	22
49 Degrees North B[b]	Oct. 1-Nov. 30	GMU 117	Antlerless Only	3
Three Forks	Oct. 1-Nov. 30	GMUs 108, 111	Any Moose	6
Hangman A	Oct. 1-Nov. 30	GMU 127, 130	Any Moose	5
Hangman B	Oct. 1-Nov. 30	GMU 127, 130	Antlerless Only	3
Huckleberry Range	Oct. 1-Nov. 30	GMU 121, 124 west of Hwy 395	Any Moose	4

[a]Applicants must be eligible to purchase a youth moose permit application. Youth hunters must be accompanied by an adult during the hunt.

[b]Applicants must possess a Disabled Hunter Permit.

2003 Mountain Sheep (Bighorn) Permit Hunts

Who May Apply: Anyone may apply; EXCEPT those who harvested a bighorn sheep previously in Washington state. An individual may only harvest one bighorn sheep during their lifetime. (Except waived for raffle and auction hunts.)

Bag Limit: One bighorn ram.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	2003 Permits
Umtanum/Selah Butte A	Sept. 15-Oct. 5	Sheep Unit 4 and 5	Any Legal Weapon	4
Umtanum/Selah Butte B	Nov. 3-30	Sheep Unit 4 and 5	Any Legal Weapon	3
Cleman Mountain A	Sept. 15-Oct. 5	Sheep Unit 7	Any Legal Weapon	3
Cleman Mountain B	Nov. 3-30	Sheep Unit 7	Any Legal Weapon	3
Mt. Hull	Sept. 15-Oct. 10	Sheep Unit 10	Any Legal Weapon	1
Lincoln Cliffs	Sept. 15-Oct. 10	Sheep Unit 12	Any Legal Weapon	1
Quilomene A	Sept. 15-Oct. 5	Sheep Unit 13	Any Legal Weapon	4
Quilomene B	Nov. 3-30	Sheep Unit 13	Any Legal Weapon	3
Swakane	Sept. 15-Oct. 10	Sheep Unit 14	Any Legal Weapon	1

Mountain (Bighorn) Sheep Units:

Sheep Unit 4 Selah Butte: Permit Area: That part of Yakima and Kittitas counties between Ellensburg and Yakima east of the Yakima River and north of Selah Creek, west of Interstate 82 and south of Interstate 90.

Sheep Unit 5 Umtanum: Permit Area: Those portions of Yakima and Kittitas counties west of the Yakima River, north of Wenas Creek, and east of USFS Road 1701 to Manastash Lake and its drainage; south and east along the South Fork Manastash Creek to Manastash Creek and the Yakima River.

Sheep Unit 7 Cleman Mountain: Permit Area: That part of Yakima County south of Wenas Creek and east of USFS Road 1701, north of Highway 410 and Highway 12 and west of the Yakima River.

Sheep Unit 10 Mt. Hull: Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along U.S. Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews; then east to the Dry Gulch Road; then north to the Oroville-Toroda Creek Road (Molson Grade Road); then west to Oroville and the point of beginning.

Sheep Unit 12 Lincoln Cliffs: Permit Area: That part of Lincoln County north of Highway 2.

Sheep Unit 13 Quilomene: Permit Area: GMU 329.

Sheep Unit 14 Swakane: Permit Area: GMU 250.

2003 Mountain Goat Permit Hunts

Who May Apply: Anyone may apply; except those who harvested a mountain goat in Washington state after 1998. An individual may only harvest one mountain goat during their lifetime, except for those who harvested a goat prior to 1999. (Except waived for raffle and auction hunts.)

Bag Limit: One (1) adult goat of either sex with horns four (4) inches or longer. WDFW urges hunters to refrain from shooting nannies with kids. Permit hunters may start hunting Sept. 1 with archery equipment.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	2003 Permits
Chelan North	Sept. 15-Oct. 31	Goat Unit 2-1	Any Legal Weapon	1
Methow	Sept. 15-Oct. 31	Goat Unit 2-2	Any Legal Weapon	2
Naches Pass	Sept. 15-Oct. 31	Goat Unit 3-6	Any Legal Weapon	1
Bumping River	Sept. 15-Oct. 31	Goat Unit 3-7	Any Legal Weapon	2
Blazed Ridge	Sept. 15-Oct. 31	Goat Unit 3-10	Any Legal Weapon	1
Kachess Ridge	Sept. 15-Oct. 31	Goat Unit 3-11	Any Legal Weapon	0
Jack Mountain	Sept. 15-Oct. 31	Goat Unit 4-9	Any Legal Weapon	0
Corral Pass	Sept. 15-Oct. 31	Goat Unit 4-38	Any Legal Weapon	2
Tatoosh	Sept. 15-Oct. 31	Goat Unit 5-2	Any Legal Weapon	3
Smith Creek	Sept. 15-Oct. 31	Goat Unit 5-3	Any Legal Weapon	1
Goat Rocks/Tieton River	Sept. 15-Oct. 31	Goat Units 3-9, 5-4	Any Legal Weapon	6

Mountain Goat Units:

Goat Unit 2-1 Chelan N. (Chelan County): Permit Area: Beginning at the mouth of Fish Creek on Lake Chelan (Moore Point); then northeast up Fish Creek and USFS trail 1259 to the Sawtooth crest near Deephole Spring; then southeast along the Sawtooth crest, which separates Chelan and Okanogan County, to Horsethief Basin and the headwaters of Safety Harbor Creek; then south along Safety Harbor Creek to Lake Chelan, then northwest along the north shore of Lake Chelan to the mouth of Fish Creek at Moore Point and the point of beginning.

Goat Unit 2-2 Methow Area: Permit Area: Okanogan County within the following described boundary: Beginning at the Town of Twisp, westerly along the Twisp River Road (County Road 4440) to Roads End; west up the Twisp Pass Trail 432 to Twisp Pass and the Okanogan County line; northerly along the Okanogan County line through Washington Pass to Harts Pass; southeast down Harts Pass (Road 5400) to Lost River; then along the Lost River-Mazama Road to Mazama; then southwest to State Highway 20; then southeasterly along State Highway 20 to Twisp and the point of beginning.

Goat Unit 3-6 Naches Pass: Permit Area: Yakima and Kittitas counties within the following described boundary: Beginning at Chinook Pass; then north along the Pacific Crest Trail to Naches Pass; then east to USFS Road 19 and continuing to State Highway 410; then west along State Highway 410 to Chinook Pass and point of beginning.

Goat Unit 3-7 Bumping River: Permit Area: Yakima County within the following described boundary: Beginning at White Pass and the Pacific Crest Trail; then north to Forest Trail 980; then north to USFS Road 18; then north to State Highway 410; then east to State Highway 12; then west along State Highway 12 and back to point of beginning; **EXCEPT** Timberwolf Mountain, which is closed.

Goat Unit 3-9 Tieton River: Permit Area: Yakima County within the following described boundary: Beginning at White Pass and Pacific Crest Trail; then south to the Yakama Indian Reservation Boundary; then east to USFS Jeep Trail 1137; then west to USFS Road 1070-578 Spur; then west to Road 1000; then north to USFS Road 12; then north to State Highway 12; then west on State Highway 12 to point of beginning.

Goat Unit 3-10 Blazed Ridge: Permit Area: Kittitas and Yakima counties within the following described boundary: Beginning at the mouth of Cabin Creek on the Yakima River; then west along Cabin Creek to the headwaters near Snowshoe Butte; then south along the Cascade Crest separating the Green and Yakima river drainage to Pyramid Peak; then southeast along the North Fork, Little Naches, and Naches River to the Yakima River; then north along the Yakima River to the mouth of Cabin Creek and point of beginning.

Goat Unit 3-11 Kachess Ridge: Permit Area: Kittitas County within the following described boundary: Beginning at the mouth of the Kachess River on the Yakima River; then north along the Kachess River and Kachess Lake to USFS Road 4600; then east on USFS Road 4600 to the Cle Elum River; then south along the Cle Elum River and Lake Cle Elum to the Yakima River; then northwest along the Yakima River to the mouth of the Kachess River and point of beginning.

Goat Unit 4-9 Jack Mountain: Permit Area: Whatcom County within the following described boundary: Beginning at the confluence of Ruby Creek and Crater Creek; then north up Crater Creek to the ridge line between Jerry Lakes and a pinnacle of Jack Mountain (7,292 ft. elevation); continue due north to Devil's Creek; then west down Devil's Creek to Ross Lake; then south along the east shoreline of Ross Lake to Ruby Arm; then easterly up Ruby Arm and Ruby Creek to the confluence of Crater Creek and the point of beginning.

Goat Unit 4-38 Corral Pass: Permit Area: Pierce County within the following described boundary: Beginning where Goat Creek intersects the Corral Pass Road; then southeast up Goat Creek to the Cascade Crest; then north along the Crest to USFS Trail 1188; then northwest along said trail to USFS Trail 1176; then north along said trail to Corral Pass; then west along Corral Pass Road to its intersection with Goat Creek and the point of beginning.

Goat Unit 5-2 Tatoosh: Permit Area: Lewis County within the following described boundary: Beginning at the junction of the southern Mount Rainier National Park Boundary and State Highway 123; then south along State Highway 123 to U.S. Highway 12; then southwest along said highway to Skate Creek Road (USFS Road 52); then northwest along said road to the junction of Morse Creek Road (old road to Longmire Campground); then north along said road to the Mount Rainier National Park Boundary; then east along the southern park boundary to the point of beginning.

Goat Unit 5-3 Smith Creek: Permit area: Lewis County within the following described boundary: Beginning at the Town of Randle; then east along U.S. Highway 12 to USFS Road 21; then southeast along USFS Road 21 to USFS Road 22; then northeast and northwest along USFS Road 22 to USFS Road 23; then east and northwest on USFS Road 23 to USFS Road 25; then north along USFS Road 25 to Randle and point of beginning.

Goat Unit 5-4 Goat Rocks: Permit Area: Lewis County south of the White Pass Highway (U.S. Highway 12) and east of the Johnson Creek Road (USFS Road 1302).

[Statutory Authority: RCW 77.12.047. 03-13-047 (Order 03-129), § 232-28-273, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 77.12.047, 77.12.655, 77.12.020. 02-11-069 (Order 02-98), § 232-28-273, filed 5/10/02, effective 6/10/02. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-28-273, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-11-137 (Order 00-50), § 232-28-273, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. 99-10-102 (Order 99-40), § 232-28-273, filed 5/5/99, effective 6/5/99; 98-10-005 (Order 98-58), § 232-28-273, filed 4/22/98, effective 5/23/98.]

WAC 232-28-276 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-278 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-279 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits.

BIG GAME AUCTION PERMITS

The director will select a conservation organization(s) to conduct annual auction(s). Selection of the conservation organizations will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey

auctions shall be conducted consistent with WAC 232-28-292.

SPECIES - ONE DEER PERMIT

Hunting season dates: September 1 - December 31
Hunt Area: Statewide EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.
Weapon: Any legal weapon.
Bag limit: One additional any buck deer

SPECIES - ONE WESTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31
Hunt Area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.
Weapon: Any legal weapon.
Bag limit: One additional any bull elk

SPECIES - ONE EASTSIDE ELK PERMIT

Hunting season dates: September 1 - December 31
Hunt Area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.
Weapon: Any legal weapon.
Bag limit: One additional any bull elk

SPECIES - ONE BIGHORN SHEEP PERMIT

Hunting season dates: September 1 - October 31
Hunt Area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), Sheep Unit 12 (Lincoln Cliffs), or Sheep Unit 13 (Quilomene).
Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.
Bag limit: One bighorn ram

SPECIES - ONE MOOSE PERMIT

Hunting season dates: October 1 - November 30
Hunt Area: Any open moose unit.
Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.
Bag limit: One moose of either sex

SPECIES - ONE MOUNTAIN GOAT PERMIT

Hunting season dates: September 15 - October 31
Hunt Area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).
Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.
Bag limit: One mountain goat of either sex

RAFFLE PERMITS

Raffle permits will be issued to individuals selected through a Washington department of fish and wildlife drawing or the director may select a conservation organization(s) to conduct annual raffles. Selection of a conservation organization will be based on criteria adopted by the Washington department of fish and wildlife. Big game and wild turkey raffles shall be conducted consistent with WAC 232-28-290.

RAFFLE PERMIT HUNT(S)

DEER RAFFLE PERMIT HUNT

Bag limit: One additional any buck deer
Open area: Statewide EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 485, and those GMUs closed to deer hunting by the fish and wildlife commission.
Open season: September 1 - December 31.
Weapon: Any legal weapon.
Number of permits: 1
Raffle ticket cost: $5.00 including a 50-cent vendor fee.

WESTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk
Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), those GMUs closed to elk hunting, and those GMUs not open to branch antlered bull elk hunting by the fish and wildlife commission.
Open season: September 1 - December 31.
Weapon: Any legal weapon.
Number of permits: 1
Raffle ticket cost: $5.00 including a 50-cent vendor fee.

EASTSIDE ELK RAFFLE PERMIT HUNT

Bag limit: One additional any bull elk
Open area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157, those GMUs closed to elk hunting, and those GMUs not opened to branch antlered bull elk hunting by the fish and wildlife commission.
Open season: September 1 - December 31.
Weapon: Any legal weapon.
Number of permits: 1
Raffle ticket cost: $5.00 including a 50-cent vendor fee.

BIGHORN SHEEP RAFFLE PERMIT HUNT

Bag limit: One bighorn ram
Open area: Sheep Unit 4 (Selah Butte), Sheep Unit 5 (Umtanum), Sheep Unit 7 (Cleman Mountain), Sheep Unit 12 (Lincoln Cliffs), or Sheep Unit 13 (Quilomene).
Open season: September 1 - October 31.
Weapon: Hunter may use any legal weapon.
Number of permits: 1
Raffle ticket cost: $10.00 including a 50-cent vendor fee.

MOOSE RAFFLE PERMIT HUNT

Bag limit: One moose of either sex
Open area: Any open moose unit.
Open season: October 1 - November 30.
Weapon: Hunter may use any legal weapon.
Number of permits: 1

Raffle ticket cost: $5.00 including a 50-cent vendor fee.

MOUNTAIN GOAT RAFFLE PERMIT HUNT

Bag limit: One mountain goat of either sex
Open area: Goat Unit 3-6 (Naches Pass), Goat Unit 3-9 (Tieton River), Goat Unit 3-10 (Blazed Ridge), or Goat Unit 5-4 (Goat Rocks).
Open season: September 15 - October 31.
Weapon: Hunter may use any legal weapon.
Number of permits: 1
Raffle tickets cost: $5.00 including a 50-cent vendor fee.

TURKEY RAFFLE PERMIT HUNTS

Bag limit: Three (3) additional wild turkeys, but not to exceed more than one turkey in Western Washington or two turkeys in Eastern Washington.
Open area: Statewide.
Open season: April 1 - May 31.
Weapon: Archery or shotgun only.
Number of permits: 2
Raffle ticket cost: $5.00 including a 50-cent vendor fee.

SPECIAL INCENTIVE PERMITS

Hunters will be entered into a drawing for special deer and elk incentive permits for prompt reporting of hunting activity in compliance with WAC 232-28-299.

(a) There will be two (2) any elk special incentive permits for Western Washington.
Open area: Western Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMUs 418, 485, 522, and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.
Open season: September 1 - December 31.
Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.
Bag limit: One additional elk.

There will be two (2) any elk special incentive permits for Eastern Washington.
Open area: Eastern Washington EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMU 157 and those GMUs closed to elk hunting or closed to branch antlered bull elk hunting by the fish and wildlife commission.
Open season: September 1 - December 31.
Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons.
Bag limit: One additional elk.

(b) There will be five (5) statewide any deer special incentive permits, for use in any area open to general or permit hunting seasons EXCEPT all Private Lands Wildlife Management Areas (PLWMAs), GMUs 157, 418, 485, 522, and those GMUs closed to deer hunting by the fish and wildlife commission.
Open season: September 1 - December 31.
Weapon: Any legal weapon, EXCEPT must use archery equipment during archery seasons and muzzleloader equipment during muzzleloader seasons and any legal weapon at other times if there are no firearm restrictions.
Bag limit: One additional any deer.

Auction, raffle, and special incentive hunt permittee rules

(1) Permittee shall contact the appropriate regional office of the department of fish and wildlife when entering the designated hunt area or entering the region to hunt outside the general season.

(2) The permittee may be accompanied by others; however, only the permittee is allowed to carry a legal weapon or harvest an animal.

(3) Any attempt by members of the permittee's party to herd or drive wildlife is prohibited.

(4) If requested by the department, the permittee is required to direct department officials to the site of the kill.

(5) The permit is valid during the hunting season dates for the year issued.

(6) The permittee will present the head and carcass of the bighorn sheep killed to any department office within 72 hours of date of kill.

(7) The permittee must abide by all local, state, and federal regulations including firearm restriction areas and area closures.

(8) Hunters awarded the special incentive permit will be required to send the appropriate license fee to the department of fish and wildlife headquarters in Olympia. The department will issue the license and transport tag and send it to the special incentive permit winner.

[Statutory Authority: RCW 77.12.047. 03-16-087 (Order 03-175), § 232-28-282, filed 8/5/03, effective 9/5/03; 03-03-016 (Order 03-03), § 232-28-282, filed 1/7/03, effective 2/7/03; 02-15-019 (Order 02-135), § 232-28-282, filed 7/8/02, effective 1/1/03.]

WAC 232-28-291 Special hunting season permits. The commission may establish special hunting seasons limited to species and/or weapon type.

1. Deer, elk, cougar, or black bear special hunting season permit applications:

A. To apply for special hunting season permits for deer, elk, cougar, or black bear applicants must have a valid Washington big game hunting license and a valid transport tag for the appropriate species. To apply for a particular hunt, each applicant for deer or elk must have the proper transport tag as identified in the special deer or elk permit regulations.

B. No refunds or exchanges for deer, elk, cougar, or black bear hunting licenses or transport tags will be made for persons applying for special hunting season permits after the permit drawing has been held.

2. Mountain goat, moose, and bighorn sheep special hunting season permit applications:

A. Persons who have previously harvested a mountain goat, bighorn sheep, or moose in Washington are ineligible to apply for a special hunting season permit for that species. This lifetime harvest restriction does not apply to individuals who harvested a mountain goat before 1999, raffle or auction hunt authorizations, or antlerless-only moose hunts.

B. Successful applicants under this section must purchase the appropriate hunting license within fifteen days of the published notification deadline by the department. Failure to purchase forfeits the permit to an alternate applicant.

C. No refunds for mountain goat, moose, or bighorn sheep hunting licenses will be made for persons successfully drawing and purchasing special hunting season permits.

3. Wild turkey special hunting season permit applications

A. To apply for wild turkey special hunting season permits, each applicant must have a valid small game hunting license.

B. No refunds for small game hunting licenses will be made, regardless of success in the drawing for wild turkey special hunting season permits.

C. Wild turkey special hunting season permit holders must have a valid turkey transport tag in possession to hunt turkeys in the special hunting season.

4. Special hunting season permit applications:

A. Group applications will be accepted for any species with a group size larger than one. Maximum group sizes are determined for each species. If a group application is drawn, all hunters in the group will receive a special hunting season permit and each hunter in the group can take an animal.

i. Maximum group size for deer is 12.

ii. Maximum group size for elk is 12.

iii. Maximum group size for bear is 2.

iv. Maximum group size for cougar is 2.

v. Maximum group size for mountain goat is 2.

vi. Maximum group size for bighorn sheep is 2.

vii. Maximum group size for turkey is 4.

viii. Maximum group size for moose is 2.

B. An applicant may purchase only one application for a special hunting season permit for each species.

C. Permits will be drawn by computer selection using a weighted point selection system.

D. Incomplete applications will not be accepted.

E. If an applicant makes a mistake, applies for the wrong hunt, and is successfully drawn, the special hunting season permit can be returned to the Department of Fish and Wildlife Olympia headquarters before the opening day of the special hunting season or the opening day of the general hunting season, whichever comes first. The applicant's points will be restored to the level prior to the permit drawing.

F. Anyone may apply for a special hunting season permit for deer, elk, bear, cougar, and wild turkey.

5. In addition to requirements for special hunting season permit applications, following are application requirements for:

A. Special hunting seasons for persons of disability: Only applicants with a Washington disabled hunter permit are eligible to apply for any special hunting season permits for persons of disability.

B. Special hunting seasons for youth: Only persons who are eligible to lawfully purchase a youth hunting license are eligible to apply for special hunting season permits for youth.

C. Special hunting seasons for hunters age 65 and older: Only applicants sixty-five years of age or older on or before March 31 of the current license year will be eligible to apply for special hunting season permits for hunters age 65 and older.

D. Special hunting seasons for advanced hunter education graduates: Only persons who hold a valid certificate from the Washington department of fish and wildlife advanced hunter education (AHE) program are eligible to apply for special hunting season permits for AHE hunters.

6. Citizen reward for reporting violations - bonus points: A person who provides information which contributes substantially to the arrest of another person for illegally hunting or killing big game or an endangered species as defined by Title 77 RCW is eligible to receive ten bonus points toward the special hunting permit drawing for deer or elk special hunting season permits.

A. Only ten bonus points can be awarded for providing information for each person charged regardless of the number of violations involved.

B. Selection of bonus points is in lieu of application for a cash award.

7. In addition to requirements for special hunting season permit applications, following are application and permit requirements for antlerless deer and elk "B" tags. Successful applicants under this section may purchase an appropriate second hunting license and tag for an antlerless animal only within fifteen days of the published notification deadline by the department. Failure to purchase within fifteen days forfeits the opportunity for a second license.

[Statutory Authority: RCW 77.12.047. 03-16-087 (Order 03-175), § 232-28-291, filed 8/5/03, effective 9/5/03; 03-13-047 (Order 03-129), § 232-28-291, filed 6/12/03, effective 7/13/03; 03-02-005 (Order 02-301), § 232-28-291, filed 12/20/02, effective 1/20/03. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-28-291, filed 4/26/01, effective 5/27/01.]

WAC 232-28-331 Game management units (GMUs) boundary descriptions—Region one.

GMU 101-SHERMAN (Ferry and Okanogan counties):

Beginning at the Kettle River and the US-Canadian border near the Ferry Customs Office, north of the town of Toroda; E on the US-Canadian border to the Kettle River, east of the town of Laurier; S down the Kettle River (Ferry-Stevens county line) to the mouth of the Kettle River on Lake Roosevelt; S down the western shore of Lake Roosevelt to the northeastern corner of the Colville Indian reservation; W on the northern Colville Indian reservation boundary to SR 21; N on SR 21 to SR 20 at the town of Republic; NW on SR 20 to Toroda Creek Rd (Okanogan County Rd 9495) at the town of Wauconda; NE on the Toroda Creek Rd (Okanogan County Rd 9495 and Ferry County Rd 502) to Toroda Creek at the town of Toroda; E along Toroda Creek to its mouth on the Kettle River; N up the Kettle River to the US-Canadian border near the Ferry Customs Office north of the town of Toroda and point of beginning.

GMU 105-KELLYHILL (Stevens County):

Beginning at the Kettle River (Ferry-Stevens county line) and the US-Canadian border east of the town of Laurier; E on the US-Canadian border to Lake Roosevelt (Columbia River); SW along the eastern shore of Lake Roosevelt (Columbia River) to the US Hwy 395 bridge; W on US Hwy 395 over the bridge to the western shore of Lake Roosevelt; N on the western shore of Lake Roosevelt to the mouth of the Kettle River; N up the Kettle River (Ferry-Stevens county line) to the US-Canadian border east of the town of Laurier and the point of beginning.

GMU 108-DOUGLAS (Stevens County):

Beginning at the junction of US Hwy 395 and SR 20 in the town of Colville; NW on US Hwy 395 (SR 20) to the bridge over Lake Roosevelt; N up the southeastern shore of Lake Roosevelt and Columbia River to the SR 25 bridge over the Columbia River at the town of Northport; S on SR 25 to Aladdin Rd in the town of Northport; SW on the Aladdin Rd to SR 20, E of the town of Colville; W on SR 20 to Hwy 395 at the town of Colville and point of beginning.

GMU 111-ALADDIN (Stevens and Pend Oreille counties):

Beginning at the junction of the Aladdin Rd and SR 20 on the east side of Colville; N on Aladdin Rd to SR 25 at the town of Northport; N on SR 25 to the bridge over the Columbia River; NE along the southeastern shoreline of the Columbia River to the US-Canadian border; E along the US-Canadian border to the Pend Oreille River; S along the western shoreline of the Pend Oreille River to Tiger East Rd, which is due east of the town of Tiger; W on the Tiger East Rd to SR 20 at the town of Tiger; W and S on SR 20 to the junction with the Aladdin Rd, E of the town of Colville and point of beginning.

GMU 113-SELKIRK (Pend Oreille County):

Beginning on the western shore of the Pend Oreille River at the US-Canadian border; E on the US-Canadian border to the Washington-Idaho state line; S on the Washington-Idaho state line to the southwestern shore of the Pend Oreille River at the town of Newport; NW along the southwestern shore of the Pend Oreille River to the US-Canadian border and the point of beginning.

GMU 117-49 DEGREES NORTH (Stevens and Pend Oreille counties):

Beginning at junction of SR 20 and US Hwy 395 at the town of Colville; E on SR 20 to Tiger East Rd at the town of Tiger; E on Tiger East Rd to western shore of the Pend Oreille River; S along the southwestern shore of the Pend Oreille River to the Washington-Idaho state line; S along the Washington-Idaho state line to US Hwy 2 in the town of Newport; SW and S on US Hwy 2 to the Deer Park-Milan Rd; W on the Deer Park-Milan Rd to US Hwy 395 at the town of Deer Park; NW on US Hwy 395 to its junction with SR 20 at the town of Colville and the point of the beginning.

GMU 121-HUCKLEBERRY (Stevens County):

Beginning at the US Hwy 395 bridge over Lake Roosevelt (Columbia River) northwest of the town of Kettle Falls; SE on US Hwy 395 through Colville and Chewelah to SR 292 at Loon Lake; W on SR 292 to SR 231 at the town of Springdale; S on SR 231 to the northeast corner of the Spokane Indian reservation; W on the northern boundary of the Spokane Indian reservation to eastern boundary of the Colville Indian reservation on the Ferry-Stevens county line on Lake Roosevelt; N along the Colville Indian reservation boundary to its northern corner on Lake Roosevelt; W along Colville Indian reservation boundary to the western shore of Lake Roosevelt; N along western shore of Lake Roosevelt to the US Hwy 395 bridge over Lake Roosevelt northwest of the town of Kettle Falls and the point of beginning.

GMU 124-MOUNT SPOKANE (Spokane, Stevens and Pend Oreille counties):

Beginning at the junction of SR 231 and SR 292 at the town of Springdale; E on SR 292 to US Hwy 395 at Loon Lake; SE on US Hwy 395 to the Deer Park-Milan Rd; E on the Deer Park-Milan Rd to US Hwy 2; N and NE on US Hwy 2 to the Washington-Idaho state line at the town of Newport; S on the Washington-Idaho state line to the Spokane River; W and NW down the north shore of Spokane River to Spokane Indian reservation boundary (Chamokane Creek) north along the eastern boundary of the Spokane Indian reservation boundary (Chamokane Creek) to the northeastern corner of the Spokane Indian reservation; E from the northeastern corner of the Spokane Indian reservation to SR 231; N on SR 231 to SR 292 at the town of Springdale and the point of beginning.

GMU 127-MICA PEAK (Spokane County):

Beginning at the mouth of Latah Creek (Hangman Creek) on the Spokane River; E up the south shore of the Spokane River to the Maple Street Bridge; N across the Maple Street Bridge to the north shore of the Spokane River; E on the north shore of the Spokane River to the Washington-Idaho state line; south on the Washington-Idaho state line to SR 274 at the town of Willard; SW on SR 274 to SR 27 at the town of Tekoa; NW on SR 27 to Fairbanks Rd; W on Fairbanks Rd to Dunn Rd; SW on Dunn Rd to Merrit Rd; W on Merrit Rd to US Route 195; N on US Route 195 to I-90; E on I-90 to Latah Creek (Hangman Creek); N down Latah Creek (Hangman Creek) to the Spokane River and the point of the beginning.

GMU 130-CHENEY (Spokane and Lincoln counties):

Beginning on the Spokane River and SR 231; E up the north shore of the Spokane River to the Maple Street Bridge; S on the Maple Street Bridge to the south shore of the Spokane River; W on the south shore of the Spokane River to Latah Creek (Hangman Creek) in Spokane; S up Latah Creek (Hangman Creek) to I-90; W on I-90 to US Hwy 195; S on US Hwy 195 to Rosalia exit and south to Gashouse Rd in the town of Rosalia; W on Gashouse Rd to Squaw Rd; NW on Squaw Rd to Blackman Rd; W on Blackman Rd to Texas Ferry Rd; S on Texas Ferry Rd to Siegal Rd; W on Siegal Rd to Belsby Rd; W on Belsby Rd to Henderson Rd; W on Henderson Rd to Mullinix Rd; N on Mullinix Rd to Reed Rd; W on Reed Rd to Spuller Rd; S on Spuller Rd to Dewey Rd; W on Dewey Rd to Stoner Rd; SW on Stoner Rd to SR 23; NW along SR 23 to SR 231; N on SR 231 to US Hwy 2; E on US Hwy 2 to SR 231 at the town of Reardan; N along State Hwy 231 to the Spokane River and to the point of beginning.

GMU 133-ROOSEVELT (Lincoln County):

Beginning at the west end of the Grand Coulee Dam at Lake Roosevelt; E along the Grant-Okanogan, Lincoln-Okanogan, Lincoln-Ferry county lines on Lake Roosevelt to the Spokane River; E up the Spokane River, following the Lincoln-Stevens county line, to SR 231; S on SR 231 to US Hwy 2 at the town of Reardan; W on US Hwy 2 to SR 21 at the town of Wilbur; N on SR 21 to SR 174; NW on SR 174 to SR 155 at the town of Grand Coulee; NE on SR 155 to the access road to the Grand Coulee Dam causeway (access restricted); E on the causeway access road to the west end of the Grand Coulee Dam at Lake Roosevelt and the point of the beginning.

GMU 136-HARRINGTON (Lincoln and Grant counties):

Beginning at the town of Grand Coulee at SR 174 and Rd W N.E. (Grand Coulee Hill Rd); SE on SR 174 to US Hwy 2 at the town of Wilbur; E on US Hwy 2 to SR 231; S on 231 to SR 23; S on SR 23 to I-90; SW on I-90 to Danekas Rd (Interstate Hwy Exit 231); W on Danekas Rd to Tokio Rd; W on Tokio Rd to Marcellus Rd; N on Marcellus Rd to Davis Rd; W on Davis Rd to Rd 12 N.E.; W on Rd 12 N.E. to Rd W N.E.; N on Rd W N.E. to Rd X N.E. at the town of Marlin; N on Rd X N.E. to Kiner Rd (Lincoln County Rd 9115); NE, E, N, E, and N on Kiner Rd (Lincoln County Rd 9115) to US Hwy 2, east of the town of Almira; SW on US Hwy 2 to Maxwell Rd; W on Maxwell Rd to Old Coulee Rd at the town of Almira; N on Old Coulee Rd to Douglas Rd; W on Douglas Rd to Peterson Rd; N on Peterson Rd to Rd 51; E on Rd 51 N.E. to Rd W N.E.; N on Rd W N.E. to Grand Coulee Hill Rd; N on Grand Coulee Hill Rd to SR 174 in the town of Grand Coulee and the point of the beginning.

GMU 139-STEPTOE (Lincoln, Whitman, and Spokane counties):

Beginning at the Washington-Idaho state line and SR 274 at the town of Willard; W on SR 274 to SR 27 at the town of Tekoa; NW on SR 27 to Fairbanks Rd; W on Fairbanks Rd to Dunn Rd; SW on Dunn Rd to Merrit Rd; W on Merrit Rd to the town of Rosalia; from Rosalia, W on Gashouse Rd to Squaw Rd; NW on Squaw Rd to Blackman Rd; W on Blackman Rd to Texas Ferry Rd; S on Texas Ferry Rd to Siegal Rd; W on Siegal Rd to Belsby Rd; W on Belsby Rd to Henderson Rd; W on Henderson Rd to Mullinix Rd; N on Mullinix Rd to Reed Rd; W on Reed Rd to Spuller Rd; S on Spuller Rd to Dewey Rd; W on Dewey Rd to Stoner Rd; SW on Stoner Rd to SR 23; N on SR 23 to Lamont Rd; SW on Lamont Rd to Revere Rd; S on Revere Rd to Rock Creek; S down Rock Creek to the Palouse River; S down the Palouse River to SR 26; E along SR 26 to US Hwy 195 at the town of Colfax; S on US Hwy 195 to SR 270; E on SR 270 to Washington-Idaho state line; north on the Washington-Idaho state line to SR 274 at the town of Willard and the point of the beginning.

GMU 142-ALMOTA (Whitman County):

Beginning at US Hwy 195 and SR 26 at the town of Colfax; SE on US Hwy 195 to SR 270; E on SR 270, through the town of Pullman to the Washington-Idaho state line near Moscow, Idaho; S along the Washington-Idaho state line to the Snake River (Asotin-Whitman county line), north of the town of Clarkston; W along the Snake River (Asotin-Whitman, Garfield-Whitman, and Columbia-Whitman county line) to the mouth of the Palouse River (Franklin-Whitman county line); N and E up the Palouse River (Franklin-Whitman county line) to SR 26, west of the town of Gordon; E on SR 26 (Washtucna-Lacrosse Hwy) to US Hwy 195 at the town of Colfax and the point of beginning.

GMU 145-MAYVIEW (Garfield and Asotin counties):

Beginning at the SR 127 bridge crossing the Snake River (Whitman-Garfield county line) at Central Ferry; E along the Snake River (Whitman-Asotin and Whitman-Garfield county lines) to the mouth of Alpowa Creek; S up Alpowa Creek to the US Hwy 12 bridge; W on US Hwy 12 to SR 127; N on SR 127 (Central Ferry Hwy) to the bridge crossing the Snake River (Garfield-Whitman county line) at Central Ferry and the point of beginning.

GMU 149-PRESCOTT (Walla Walla, Columbia, and Garfield counties):

Beginning on the Columbia River at the mouth of the Snake River (Benton-Franklin-Walla Walla county line); NE and E along the Snake River (Franklin-Walla Walla, Whitman-Columbia, and Whitman-Garfield county lines) to SR 127 bridge at Central Ferry; S on SR 127 (Central Ferry Hwy) to US Hwy 12 at Dodge Junction; SW on US Hwy 12, through the towns of Dayton and Waitsburg, to SR 125 at the town of Walla Walla; S on SR 125 to the Washington-Oregon state line; W on the Washington-Oregon state line to the Columbia River (Benton-Walla Walla county line); N along the Columbia River (Benton-Walla Walla county line) to the mouth of the Snake River and the point of beginning.

GMU 154-BLUE CREEK (Walla Walla and Columbia counties):

Beginning on US Hwy 12 at the town of Waitsburg; NE on US Hwy 12 to Hogeye Rd at Long Station; E on Hogeye Rd to the Payne Hollow Rd; S on the Payne Hollow Rd to Jasper Mountain Rd; S on Jasper Mountain Rd to Mt. Pleasant Rd; S on Mt. Pleasant Rd to Dent Rd; S on Dent Rd to the Lewis Peak Rd; S on the Lewis Peak Rd to Lewis Peak Trail; SE on Lewis Peak Trail to US Forest Service Trail 3211 (Mill Creek Watershed Intake Trail); SW on US Forest Service Trail 3211 to the Washington-Oregon state line; W on the Washington-Oregon state line to SR 125; N on SR 125 to US Hwy 12; NE on US Hwy 12 to the town of Waitsburg and the point of beginning.

GMU 157-MILL CREEK WATERSHED (Walla Walla and Columbia counties):

Beginning at US Forest Service Trail 3211 (Mill Creek Watershed Intake Trail) at the Washington-Oregon state line; NE and E on US Forest Service Trail 3211 to US Forest Service Rd 64; S on the US Forest Service Rd 64 to the Washington-Oregon state line; W on the Washington-Oregon state line to US Forest Service Trail 3211 and the point of beginning.

GMU 162-DAYTON (Walla Walla and Columbia counties):

Beginning at the junction of US Hwy 12 and Patit Rd in the town of Dayton; E on the Patit Rd to the Hartsock Grade Rd-Maloney Mountain Rd intersection; S on Maloney Mountain Rd to US Forest Service Rd 4625 (Maloney Mountain Rd); S and W on to US Forest Service Rd 4625 to Skyline Drive Rd; SE on Skyline Drive Rd to US Forest Service Rd 46 (Skyline Drive Rd); S on US Forest Service Rd 46 to US Forest Service Rd 64; S on US Forest Service Rd 64 to US Forest Service Trail 3211 (Mill Creek Watershed Intake Trail); W on US Forest Service Trail 3211 to the Lewis Peak Trail; NW on the Lewis Peak Trail to Lewis Peak Rd; N on the Lewis Peak Rd to Dent Rd; N on Dent Rd to Mt. Pleasant Rd; N on the Mt. Pleasant Rd to the Jasper Mountain Rd; N on the Jasper Mountain Rd to Payne Hollow Rd; N on Payne Hollow Rd to Hogeye Rd; W on Hogeye Rd to US Hwy 12 at Long Station; NE on US Hwy 12 to its junction with Patit Rd at the town of Dayton and the point of beginning.

GMU 163-MARENGO (Columbia and Garfield counties):
Beginning at the junction of US Hwy 12 and Patit Rd in the town of Dayton; N and E on US Hwy 12 to the Tatman Mountain Rd at Zumwalt; SE on Tatman Mountain Rd to Linville Gulch Rd; S on the Linville Gulch Rd to the Blind Grade Rd; SW on the Blind Grade Rd to the Tucannon Rd; N on the Tucannon Rd to the Hartsock Grade Rd; S on the Hartsock Grade Rd to the Patit Rd; W on the Patit Rd to US Hwy 12 in the town of Dayton and the point of beginning.

GMU 166-TUCANNON (Columbia and Garfield counties):
Beginning at the intersection of the Hartsock Grade Rd and the Tucannon River Rd; SE on the Tucannon River Rd to the elk drift fence at the northern boundary of the W.T. Wooten Wildlife Area; E and S along the elk drift fence to the US Forest Service Rd 40 (Mountain Rd) at the Umatilla National Forest's northern boundary; S on the US Forest Service Rd 40 (Mountain Rd) to US Forest Service Rd 4030 (Diamond Peak Rd); W on US Forest Service Rd 4030 to US Forest Service Trail 3113 (Diamond Peak Trail-Bullfrog Springs Trail-Oregon Butte Trail) at Diamond Peak; W on US Forest Service Trail 3113 to US Forest Service Trail 3136 (Teepee Trail); W along US Forest Service Trail 3136 to US Forest Service Rd 4608 (Teepee Rd) at Teepee Camp; W on the US Forest Service Rd 4608 to US Forest Service Rd 46 (Skyline Drive Rd); N on the US Forest Service Rd 46 to Skyline Drive Rd; N on Skyline Drive Rd to the Maloney Mountain Rd; W on Maloney Mountain Rd to US Forest Service Rd 4625 (Maloney Mountain Rd); E and N on the US Forest Service Rd 4625 (Maloney Mountain Rd) to the Hartsock Grade Rd; N on the Hartsock Grade Rd to the Tucannon River Rd and the point of the beginning.

GMU 169-WENAHA (Columbia, Garfield and Asotin counties):
Beginning on the Washington-Oregon state line at the US Forest Service Rd 64; N on US Forest Service Rd 64 to US Forest Service Rd 46 (Skyline Dr); E on US Forest Service Rd 46 to US Forest Service Rd 4608 (Teepee Rd) at Godman Springs; E on US Forest Service Rd 4608 to US Forest Service Trail 3136 (Teepee Trail) at Teepee Camp; E on the US Forest Service Trail 3136 to US Forest Service Trail 3113 (Oregon Butte Trail-Bullfrog Springs Trail-Diamond Peak Trail); E on US Forest Service Trail 3113 to US Forest Service Rd 4030 (Diamond Peak Rd) at Diamond Peak; E on US Forest Service Rd 4030 to US Forest Service Rd 40 (Mountain Rd); S along US Forest Service Rd 40 to US Forest Service Rd 4039 (South Boundary Rd); SW along US Forest Service Rd 4039 to US Forest Service Trail 3133 (Three Forks Trail); NW on US Forest Service Trail 3133 to US Forest Service Trail 3100; S on US Forest Service Trail 3100 to the Washington-Oregon state line; due W on the Washington-Oregon state line to US Forest Service Rd 64 and the point of beginning.

GMU 172-MOUNTAIN VIEW (Garfield and Asotin counties):
Beginning on the Washington-Oregon state line at US Forest Service Rd 3100; N on US Forest Service Trail 3100 to US Forest Service Trail 3133 (Three Forks Trail); SE on US Forest Service Trail 3133 (Three Forks Trail) to US Forest Service Rd 4039 (South Boundary Rd); NE on US Forest Service Rd 4039 to US Forest Service Rd 40 (Mountain Rd); N on US Forest Service Rd 40 to US Forest Service Rd 44 (Mount Misery-Big Butte Rd) at Misery junction; E on US Forest Service Rds 44, 43, and 4304 (Mount Misery-Big Butte Rd) to West Mountain Rd; NE on the West Mountain Rd to the Bennett Ridge Rd-Mill Rd; N and E on the Bennett Ridge Rd-Mill Rd to SR 129 at the town of Anatone; SW on SR 129 to the Washington-Oregon state line; due W on the Washington-Oregon state line to US Forest Service Rd 3100 and the point of beginning.

GMU 175-LICK CREEK (Garfield and Asotin counties):
Beginning at the intersection of US Forest Service Rd 40 (Mountain Rd) and the elk drift fence on the Umatilla National Forest's northern boundary; E along the elk drift fence to its end at the eastern border section line of Section 2, T9N, R43E; due S from the end to the elk drift fence on section line of Section 2, T9N, R43E to Charley Creek; E down Charley Creek to Asotin Creek; S down Asotin Creek to the South Fork Asotin Creek Rd; S up the South Fork Asotin Creek Rd to Campbell Grade Rd; E on the Campbell Grade Rd to Back Rd (Asotin County Rd 01550); N and E on Back Rd (Asotin County Rd 01550) to the Cloverland Rd; S on Cloverland Rd to its junction with the Umatilla National Forest's eastern boundary fence; E and S on the US Forest Service boundary fence past Big Butte to US Forest Service Rd 4303 (Big Butte Rd-Mount Misery Rd); W on US Forest Service Rds 4304, 43, and 44 (Big Butte Rd-Mount Misery Rd) to US Forest Service Rd 40 (Mountain Rd) at Misery junction; NW on US Forest Service Rd 40 (Mountain Rd) to the intersection with the elk drift fence on the Umatilla National Forest's northern boundary and the point of beginning.

GMU 178-PEOLA (Garfield and Asotin counties):
Beginning at the intersection of US Hwy 12 and Tatman Mountain Rd at Zumwalt; E on US Hwy 12 to bridge near the mouth of Alpowa Creek; N down Alpowa Creek to the Snake River; E and S along the Snake River (Asotin-Whitman county line, Washington-Idaho state line) to the mouth of Asotin Creek; W along Asotin Creek to Charley Creek; W along Charley Creek to the unit boundary marker at the eastern border section line of Section 2, T9N, R43E; N on eastern border section line of Section 2, T9N, R43E to end of the elk drift fence; W along the elk drift fence to the boundary of the W.T. Wooten Wildlife Area; NW and W along the elk drift fence to the Tucannon River Rd; N on the Tucannon River Rd to Blind Grade Rd; NE up Blind Grade Rd to the Linville Gulch Rd; N on the Linville Gulch Rd to Tatman Mountain Rd; NW up Tatman Mountain Rd to US Hwy 12 at Zumwalt and the point of beginning.

GMU 181-COUSE (Asotin County):
Beginning at the mouth of Asotin Creek on the Snake River at the town of Asotin; S along the Snake River (Washington-Idaho state line) to the Grande Ronde River; W along the north shore of Grande Ronde River to SR 129; NW on SR 129 to Mill Rd in the town of Anatone; S and W on the Mill Rd-Bennett Ridge Rd to West Mountain Rd; SW on West Mountain Rd to Umatilla National Forest eastern boundary fence at Big Butte; N along the Umatilla National Forest

boundary fence to the Cloverland Rd; NE on the Cloverland Rd to Back Rd (Asotin County Rd 01550); W and S on Back Rd (Asotin County Rd 01550) to Campbell Grade Rd; W on the Campbell Grade Rd to the South Fork Asotin Creek Rd; NE on the South Fork Asotin Creek Rd to Asotin Creek; NE down Asotin Creek to the Snake River at the town of Asotin and the point of beginning.

GMU 186-GRANDE RONDE (Asotin County):
Beginning on the Washington-Oregon state line and SR 129; N on SR 129 to the Grande Ronde River; E along the north shore of the Grande Ronde River to the Snake River (Washington-Idaho state line); S along the Snake River (Washington-Idaho state line) to the Washington-Oregon state line; W on the Washington-Oregon state line to SR 129 and the point of beginning.

[Statutory Authority: RCW 77.12.047. 03-16-087 (Order 03-175), § 232-28-331, filed 8/5/03, effective 9/5/03; 03-06-110 (Order 03-23), § 232-28-331, filed 3/5/03, effective 4/5/03.]

WAC 232-28-332 Game management units (GMUs) boundary descriptions—Region two.

GMU 203-PASAYTEN (Okanogan and Whatcom counties):
Beginning at the western junction of the Pasayten Wilderness Area-Ross Lake National Recreational Area border and the US-Canadian border; E along the US-Canadian border to the eastern junction of the Pasayten Wilderness Area boundary and the US-Canadian border; S on the Pasayten Wilderness border to US Forest Service Trail 375; W on US Forest Service Trail 375 to US Forest Service Trail 341; SW on US Forest Service Trail 341 to its junction with US Forest Service Trail 533 and US Forest Service Trail 343; W on US Forest Service Trail 343 to US Forest Service Trail 342; SW on US Forest Service Trail 342 to Pasayten Wilderness boundary; W on the Pasayten Wilderness boundary to US Forest Service Trail 478 (Robinson Creek Trail); N on US Forest Service Trail 478 (Robinson Creek Trail) to US Forest Service Trail 575; S on US Forest Service Trail 575 to US Forest Service Trail 498; NW overland from the junction of US Forest Service Trails 575 and 498 to the junction of US Forest Service Trails 576 and 472; W on US Forest Service Trail 576 to US Forest Service Trail 2000 (Pacific Crest Trail); N on US Forest Service Trail 2000 (Pacific Crest Trail) to the Pasayten Wilderness Area border at Jim Pass; W on the Pasayten Wilderness Area border to Ross Lake National Recreational Area border; N on the Pasayten Wilderness Area-Ross Lake National Recreational Area border to the US-Canadian border and the point of the beginning.

GMU 204-OKANOGAN EAST (Okanogan and Ferry counties):
Beginning on the eastern shore of Osoyoos Lake and the US-Canadian border; E on the US-Canadian border to the Kettle River near the Ferry Customs Office, north of the town of Toroda; S down the Kettle River to the mouth of Toroda Creek; W up Toroda Creek to Toroda Creek Rd (Ferry County Rd 502); SW on Toroda Creek Rd (Ferry County Rd 502 and Okanogan County Rd 9495) to SR 20 at the town of Wauconda; E on SR 20 to SR 21 at the town of Republic; S on SR 21 to the northern border of the Colville Indian reservation; W on the northern border of the Colville Indian reservation to the Okanogan River; N up the eastern shore of the Okanogan River and the eastern shore of Osoyoos Lake to the US-Canadian border and the point of beginning.

GMU 209-WANNACUT (Okanogan County):
Beginning where the Similkameen Rd (County Rd 4568) crosses the US-Canadian border; E on the US-Canadian border to the eastern shore of Lake Osoyoos; S along the eastern shore of Lake Osoyoos and the eastern shore of Okanogan River to the Fourth Street Bridge at the town of Tonasket; NW on Fourth Street on the Fourth Street Bridge to County Hwy 7; S on County Hwy 7 to North Pine Creek Rd (County Rd 9410); SW on North Pine Creek Rd (County Rd 9410) to the Horse Springs Coulee Rd (County Rd 4371), north of Aeneas Lake; north on Horse Springs Coulee Road (County Road 4371) to Loomis-Oroville Highway (County Road 9425) west of Spectacle Lake; W and N on Loomis-Oroville Hwy (County Rd 9425) to Similkameen Rd (County Rd 4568); N on the Similkameen Rd (County Rd 4568) to the US-Canadian border and the point of beginning.

GMU 215-SINLAHEKIN (Okanogan County):
Beginning at the eastern boundary of the Pasayten Wilderness border and the US-Canadian border; E on the US-Canadian border to the border station on Similkameen Rd (County Rd 4568); SE on the Similkameen Rd (County Rd 4568) to the Loomis-Oroville Rd (County Rd 9425); S on the Loomis-Oroville Rd (County Rd 9425), through the town of Loomis, then east to the Horse Springs Coulee Rd (County Rd 4371) west of Spectacle Lake; S on the Horse Springs Coulee Rd (County Rd 4371) to the North Pine Creek Rd (County Rd 9410); NE on the North Pine Creek Rd (County Rd 9410) to County Hwy 7; NE on County Hwy 7 to Fourth Street and the Fourth Street Bridge which crosses the Okanogan River into the town of Tonasket; SE onto the Fourth Street Bridge and the Okanogan River; S along the eastern shore of the Okanogan River to bridge crossing the Okanogan River at the town of Riverside; SW from said bridge to the junction of Riverside Cutoff Rd (County Rd 9260) and US Hwy 97; N on US Hwy 97 to the South Pine Creek Rd (County Rd 9410); W on the South Pine Creek Rd (County Rd 9410) to Fish Lake Rd (County Rd 4290); W on Fish Lake Rd (County Rd 4290) to South Fish Lake Rd (County Rd 4282), along the south shore of Fish Lake; SW on South Fish Lake Rd (County Rd 4282), to the Sinlahekin Rd (County Rd 4015); SW on the Sinlahekin Rd (County Rd 4015), along the north shore of Conconully Lake, to the Salmon Creek North Fork Rd (County Rd 2361), at the town of Conconully; N on US Forest Service Rd 38 (Salmon Creek North Fork Rd, County Rd 2361) to US Forest Service Rd 3820; N on US Forest Service Rd 3820 over Lone Frank Pass, to US Forest Service Rd 39; N on US Forest Service Rd 39 to the US Forest Service Rd 300 at Long Swamp trailhead; W on the US Forest Service 300 to US Forest Service Trail 342; N on US Forest Service Trail 342 to US Forest Service Trail 343; E on US Forest Service Trail 343 to US Forest Service Trail 341; E on US Forest Service Trail 341 to US Forest Service Trail 375; E on US Forest Service Trail 375 to the eastern boundary of the Pasayten Wilderness Area; N on the Pasayten Wilderness Area boundary to the US-Canadian border and the point of beginning.

GMU 218-CHEWUCH (Okanogan County):
Beginning at Harts Pass on the US Forest Service Trail 2000 (Pacific Crest Trail); N on the US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Trail 576 at Buffalo Pass; E on US Forest Service Trail 576 to its junction with US Forest Service Trail 472; SE overland from the junction of US Forest Service Trails 576 and 472 to the junction of US Forest Service Trails 498 and 575; NE on US Forest Service Trail 575 to the US Forest Service Trail 478 (Robinson Creek Trail); SE on the US Forest Service Trail 478 (Robinson Creek Trail) to the Pasayten Wilderness Area boundary; E on the Pasayten Wilderness Area boundary to US Forest Service Trail 342; S on US Forest Service Trail 342 to US Forest Service Rd 300; SW on US Forest Service Rd 300 to the US Forest Service Rd 39 (Middle Fork Toats Coulee Creek Rd) at Long Swamp Trailhead; S on US Forest Service Rd 39 (Middle Fork Toats Coulee Creek Rd) to US Forest Service Rd 37 (Boulder Creek Rd); SW and S on US Forest Service Rd 37 (Boulder Creek Rd) to the Eastside Chewuch River Rd (County Rd 9137); S on the Eastside Chewuch River Rd (County Rd 9137) to SR 20 at the town of Winthrop; NW on SR 20 to the US Forest Service Trail 2000 (Pacific Crest Trail); N on US Forest Service Trail 2000 (Pacific Crest Trail) to Harts Pass and the point of beginning.

GMU 224-PEARRYGIN (Okanogan County):
Beginning at the US Forest Service Rd 39 and US Forest Service Rd 3820; S on US Forest Service Rd 3820, through Lone Frank Pass, to the North Fork Salmon Creek Rd (US Forest Service Rd 38); SE on the North Fork Salmon Creek Rd (US Forest Service Rd 38, County Rd 2361) to West Fork Rd (County Rd 2017) at the town of Conconully; SW on West Fork Rd (County Rd 2017) to US Forest Service Rd 42 (North Summit Rd); SW on US Forest Service Rd 42 (North Summit Rd) to SR 20 at Loup Loup Summit; W on SR 20, through the town of Twisp, to the Eastside Chewuch River Rd at the town of Winthrop; N on the Eastside Chewuch River Rd to US Forest Service Rd 37 (Boulder Creek Rd); NE on the US Forest Service Rd 37 (Boulder Creek Rd) to US Forest Service Rd 39 (Middle Fork Boulder Creek Rd); NE on US Forest Service Rd 39 (Middle Fork Boulder Creek Rd) to US Forest Service Rd 3820 and the point of beginning.

GMU 231-GARDNER (Okanogan County):
Beginning at the crossing of US Forest Service Trail 2000 (Pacific Crest Trail) and SR 20; S and E on SR 20 to the Twisp River Rd at the town [of] [on] Twisp; W on the Twisp River Rd (County Rd 9114, US Forest Service Rd 44, US Forest Service Rd 4440) to US Forest Service Trail 432 (North Fork Twisp River Trail); N on US Forest Service Trail 432 (North Fork Twisp River Trail) to North Cascades National Park boundary at Twisp Pass; N and W on North Cascades National Park boundary US Forest Service Trail 2000 (Pacific Crest Trail); N on US Forest Service Trail 2000 (Pacific Crest Trail) to SR 20 and the point of beginning.

GMU 233-POGUE (Okanogan County):
Beginning at Sinlahekin Rd (County Rd 4015) and West Fork Rd (County Rd 2017) at the town of Conconully; north on the Sinlahekin Rd (County Rd 4015) to the South Fish Lake Rd (County Rd 4282); NE on the South Fish Lake Rd (County Rd 4282), along the south end of Fish Lake to Fish Lake Rd (County Rd 4290); E on Fish Lake Rd (County Rd 4290) to the South Pine Creek Rd (County Rd 9410); E on the South Pine Creek Rd (County Rd 9410) to US Hwy 97; S on US Hwy 97 to its junction with Riverside Cutoff Rd at the town of Riverside; NE from the junction of Riverside Cutoff Rd and US Hwy 97 to the bridge crossing the Okanogan River at the town of Riverside; S down the Okanogan River, through the town of Omak, to SR 20 at the town of Okanogan; W on SR 20 to US Forest Service Rd 42 (North Summit Rd), east of Loup Loup Summit; N on US Forest Service Rd 42 (North Summit Rd) to West Fork Rd (County Rd 2017); N on West Fork Rd (County Rd 2017) to the town of Conconully and the point of beginning.

GMU 239-CHILIWIST (Okanogan County):
Beginning at the intersection of SR 153 and SR 20, southeast of the town of Twisp; E on SR 20, past Loup Loup Summit, to the bridge crossing over the Okanogan River at the town of Okanogan; SE on to the bridge over the Okanogan River at the town of Okanogan; S along the Okanogan River to the Columbia River (Douglas-Okanogan county line); W along the Columbia River (Douglas-Okanogan county line) to a point on the county line due east of the US Hwy 97 bridge crossing the mouth of the Methow River at the town of Pateros; SE on US Hwy 97 to SR 153; NW and N on SR 153 to SR 20, southeast of the town of Twisp, and the point of beginning.

GMU 242-ALTA (Okanogan County):
Beginning at the junction of the Sawtooth Ridge line (Chelan-Okanogan county line) and US Forest Service Trail 432 at Twisp Pass; E on US Forest Service Trail 432 to Twisp River Rd at the Roads End Campground; E on the Twisp River Rd (US Forest Service Rd 4440, US Forest Service Rd 44, County Rd 9114) to SR 20 at the town of Twisp; S and E on SR 20 to SR 153; S and SE on SR 153 to US Hwy 97; N on the US Hwy 97 to the bridge crossing the mouth of the Methow River at the town of Pateros; E from the US Hwy 97 bridge to the Douglas-Okanogan county line in Lake Pateros (Columbia River); S along Douglas-Okanogan county line in Lake Pateros (Columbia River) to Wells Dam; NW from Wells Dam to the junction of Azwell Rd and US Hwy 97; S on US Hwy 97 to Apple Acres Rd; W on Apple Acres Rd to Antoine Creek Rd (Chelan County Rd 8140); NW on the Antoine Creek Rd (Chelan County Rd 8140) to US Forest Service Rd 8020 (Manastash Ridge); N on US Forest Service Rd 8020 to the Sawtooth Ridge line (Chelan-Okanogan county line) at Fox Peak; NW on the Sawtooth Ridge line (Chelan-Okanogan county line) to its intersection with US Forest Service Trail 432 at Twisp Pass and the point of beginning.

GMU 243-MANSON (Chelan County):
Beginning at the Chelan River in the town of Chelan, northwest to Lake Chelan; NW along the south shore of Lake Chelan to the Stehekin River; SE along the north shore of Lake Chelan to the Lake Chelan National Recreation boundary; NE along the National Recreation Area boundary to Sawtooth Ridge; SE along Sawtooth Ridge line (Chelan-Okanogan county line) to US Forest Service Rd 8020 at Fox Peak; SE on US Forest Service Rd 8020 to US Forest Service Rd 8140 (Antoine Creek Rd); SE on US Forest Service Rd

8140 (Antoine Creek Rd) to Apple Acres Rd; NE on Apple Acres Rd to US Hwy 97; NE on US Hwy 97 to its junction with Azwell Rd; SE from the junction of US Hwy 97 and Azwell Rd to Wells Dam on the Columbia River; SW down the Columbia River (Chelan-Douglas county line) to the Chelan River; NW up the Chelan River to the town of Chelan and the point of beginning.

GMU 244-CLARK (Chelan County):
Beginning at the mouth of Stehekin River on Lake Chelan; SE along the south shore of Lake Chelan to the Glacier Peak Wilderness boundary at Bearcat Ridge; S, W and N on the Glacier Peak Wilderness boundary to the Pacific Crest Trail (US Forest Service Trail 2000) at Kodak Peak; N on the Pacific Crest Trail (US Forest Service Trail 2000) to North Cascades National Park; N and E on the North Cascades National Park boundary to Lake Chelan National Recreation boundary at Hock Mountain; S along the Lake Chelan National Recreation Area boundary to the north shore of Lake Chelan; NW along the north shore of Lake Chelan to the Stehekin River and the point of beginning.

GMU 245-CHIWAWA (Chelan County):
Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and the Glacier Peak Wilderness boundary at Kodak Peak; SE and NE on the Glacier Peak Wilderness Area boundary to the Entiat River; SE down the Entiat River to US Forest Service Rd 5700 (Mad River Rd) at the town of Ardenvoir; NW on US Forest Service Rd 5700 (Mad River Rd) to the US Forest Service Rd 5800; SW on US Forest Service Rd 5800 to US Forest Service Rd 7520 (Eagle Creek Rd) at French Corral; SW on US Forest Service Rd 7520 (Eagle Creek Rd) to SR 209 (Chumstick Hwy) north of Leavenworth; S on SR 209 (Chumstick Hwy) to US Hwy 2; W and N on US Hwy 2 to US Forest Service Trail 2000 (Pacific Crest Trail) at Stevens Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to Glacier Peak Wilderness boundary at Kodak Peak and the point of beginning.

GMU 246-SLIDE RIDGE (Chelan County):
Beginning on the south shore of Lake Chelan at the Glacier Peak Wilderness boundary at Bearcat Ridge; SE along the south shore of Lake Chelan to Twenty-five Mile Creek; SW up Twenty-five Mile Creek to US Forest Service Rd 8410 (Slide Ridge Rd); S and E on US Forest Service Rd 8410 (Slide Ridge Rd) to US Forest Service Trail 1448, at Stormy Mountain; NW on US Forest Service Trail 1448 to US Forest Service Trail 1445 (Fourmile Ridge Trail); W on US Forest Service Trail 1445 (Fourmile Ridge Trail) to US Forest Service Trail 1443; W on US Forest Service Trail 1443 to Lake Creek; SW down Lake Creek to the Entiat River; NW up the Entiat River to the Glacier Peak Wilderness Area boundary; NE on the Glacier Peak Wilderness boundary to south shore of Lake Chelan at Bearcat Ridge and the point of beginning.

GMU 247-ENTIAT (Chelan County):
Beginning at Twenty-five Mile Creek on the south shore of Lake Chelan; SE along the south shore of Lake Chelan to the Chelan River; SE down the Chelan River to the Columbia River (Chelan-Douglas county line); SW along the Columbia River (Chelan-Douglas county line) to the mouth of the Entiat River; NW up the Entiat River to Lake Creek; NE up Lake Creek to US Forest Service Trail 1443; E on US Forest Service Trail 1443 to US Forest Service Trail 1445 (Fourmile Ridge Trail); E on US Forest Service Trail 1445 (Fourmile Ridge Trail) to US Forest Service Trail 1448; SE on US Forest Service Trail 1448 to the US Forest Service Rd 8410 (Slide Ridge Rd) at Stormy Mountain; N on US Forest Service Rd 8410 (Slide Ridge Rd) to Twenty-five Mile Creek; N down Twenty-five Mile Creek to the south shore of Lake Chelan and the point of beginning.

GMU 248-BIG BEND (Douglas and Grant counties):
Beginning on SR 17 at the Chalk Hills Rd (K N.E. Rd); N on the Chalk Hills Rd (K N.E. Rd) to Box Canyon Rd (L N.E. Rd); N on Box Canyon Rd (L N.E. Rd) to the first intermittent stream crossed in Section 30, T30N, R27E; N on the first intermittent stream crossed in Section 30 T30N, R27E by the Box Canyon Rd (L N.E. Rd) to the Columbia River; E up the Columbia River to the west end of the Grand Coulee Dam; W on the Grand Coulee Dam causeway access road (Limited Access) to SR 155; SW on SR 155 to SR 174; NE on SR 174 to the Grand Coulee Dam feeder canal; SW up the Grand Coulee Dam feeder canal to Banks Lake; S along the west shore of Banks Lake to a point due east from Mold Rd (Rd 9 N.E.); W from the point due east of Mold Rd on the west shore of Banks Lake to Mold Rd (Rd 9 N.E.); W on Mold Rd (Rd 9 N.E.) to SR 17; N along SR 17 to SR 172; W on SR 172, through the town of Mansfield, to Bridgeport Hill Rd (Mathieson Rd, B N.E. Rd); N on the Bridgeport Hill Rd (Mathieson Rd, B N.E. Rd) to West Foster Creek Rd; N on West Foster Creek Rd to SR 17; E on SR 17 to the Chalk Hills Rd (K N.E. Rd) and the point of beginning.

GMU 249-ALPINE (Kittitas and Chelan counties):
Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and the Alpine Lakes Wilderness boundary near Josephine Lake south of Stevens Pass; E, S, and W on the Alpine Lakes Wilderness boundary to US Forest Service Trail 2000 (Pacific Crest Trail) near Kendall Peak Lake; N on US Forest Service Trail 2000 (Pacific Crest Trail) to the Alpine Lakes Wilderness boundary near Josephine Lake and the point of beginning.

GMU 250-SWAKANE (Chelan County):
Beginning at the intersection of US Hwy 2 and Chumstick Hwy (SR 209); SE on US Hwy 2 to the Columbia River (Chelan-Douglas county line); NE on Chelan-Douglas county line (the Columbia River) to the Entiat River; NW up the Entiat River to the Mad River Rd (US Forest Service Rd 5700) at the town of Ardenvoir; N on the Mad River Rd (US Forest Service Rd 5700) to US Forest Service Rd 5800; SW on US Forest Service Rd 5800 to US Forest Service Rd 7520 at French Corral; S on US Forest Service Rd 7520 to US Forest Service Rd 7520 (Eagle Creek Rd); SW on US Forest Service Rd 7520 (Eagle Creek Rd) to SR 209 (Chumstick Hwy); S on SR 209 (Chumstick Hwy) to US Hwy 2 and the point of the beginning.

GMU 251-MISSION (Kittitas and Chelan counties):
Beginning at US Hwy 2 and the Columbia River (Chelan-Douglas county line); S down the Columbia River (Chelan-Douglas county line) to Tarpiscan Creek; W up Tarpiscan Creek to North Fork Tarpiscan Creek; W up North Fork Tarpiscan Creek to WA Dept. of Fish and Wildlife Rd No. 14 (Tarpiscan Rd); N approximately 100 feet on WA Dept. of

Fish and Wildlife Rd No. 14 (Tarpiscan Rd) to WA Dept. of Fish and Wildlife Rd No. 10.10 (North Fork Tarpiscan Creek Rd); W along WA Dept. of Fish and Wildlife Rd No. 10.10 (North Fork Tarpiscan Creek Rd) to the WA Dept. of Fish and Wildlife Rd 10 (Colockum Pass Rd); W along the WA Dept. of Fish and Wildlife Rd 10 (Colockum Pass Rd) to WA Dept. of Fish and Wildlife Rd 9 (Naneum Ridge Rd); NW on WA Dept. of Fish and Wildlife Rd 9 (Naneum Ridge Rd) to Naneum Ridge (Chelan-Kittitas county line) at Wenatchee Mountain; NW along Naneum Ridge (Chelan-Kittitas county line), past Mission Peak, to US Forest Service Rd 9712 (Liberty-Beehive Rd); NW on US Forest Service Rd 9712 (Liberty-Beehive Rd) to US Forest Service Rd 9716; N on US Forest Service Rd 9716 to US Hwy 97 at Swauk Pass; NW on the Wenatchee Mountain Range divide (Kittitas-Chelan county line) to the Alpine Lakes Wilderness Area boundary at Navaho Peak; N and E on Alpine Lakes Wilderness Area boundary to US Forest Service Trail 2000 (Pacific Crest Trail); N on US Forest Service Trail 2000 (Pacific Crest Trail) to US Hwy 2; E on US Hwy 2 to the Columbia River (Chelan-Douglas county line) and the point of beginning.

GMU 254-SAINT ANDREWS (Douglas and Grant counties):
Beginning at the town of Mansfield on SR 172; E on SR 172 to SR 17; S on SR 17 to Mold Rd (Rd 9 N.E.); E on the Mold Rd (Rd 9 N.E.) to the road's end; due E from the end of Mold Rd (Rd 9 N.E.) to the western shore of Banks Lake; S along the west shore of Banks Lake to US Hwy 2; W on US Hwy 2 to SR 172; N and E on SR 172 to the town of Mansfield and the point of beginning.

GMU 260-FOSTER CREEK (Douglas County):
Beginning at the town of Brewster and the Columbia River (Douglas-Okanogan county line); E on the Columbia River (Douglas-Okanogan county line), past the town of Bridgeport to the first intermittent stream crossed in Section 30, T30N, R27E by the Box Canyon Rd (L N.E. Rd); S up the first intermittent stream crossed in Section 30, T30N, R27E by the Box Canyon Rd to the Box Canyon Rd (L N.E. Rd); E and S on Box Canyon Rd (Rd L N.E.) to the Chalk Hills Rd (K N.E. Rd); SW on the Chalk Hills Rd (K N.E. Rd) to SR 17; W on SR 17 to the West Foster Rd; S on West Foster Rd to Dyer Hill Rd; W and N on Dyer Hill Rd to Gallaher Rd (20 N.E. Rd); W on Gallaher Rd to Dyer Hill Rd (North Division Rd); N on Dyer Hill Rd to Cold Springs Rd (Bonita Flats Rd) at the town of Dyer; W on Cold Springs Rd (Bonita Flats Rd) to the Columbia River then west to the Douglas-Okanogan county line on the Columbia River; N up the Columbia River (Douglas-Okanogan county line) to town of Brewster and the point of beginning.

GMU 262-WITHROW (Douglas County):
Beginning at Cold Spring Rd and the Dyer Hill Rd at the town of Dyer; S on the Dyer Hill Rd (North Division Rd) to Gallaher Rd (20 N.E. Rd); E on Gallaher Rd (20 N.E. Rd) to Bridgeport Hill Rd (B N.E. Rd); S on the Bridgeport Hill Rd to SR 172; W and S on SR 172 to US Hwy 2; W on US Hwy 2, through the town of Waterville, to the Columbia River at the town of Orondo then west to the Chelan-Douglas county line in the Columbia River; N up the Columbia River (Chelan-Douglas county line), past the Wells Dam, to the point due west of the Cold Springs Rd; E from the point on the Columbia River (Chelan-Douglas county line) which is due east of Cold Springs Rd to Cold Springs Rd; E on the Cold Springs Rd to the town of Dyer and the point of beginning.

GMU 266-BADGER (Douglas County):
Beginning at US Hwy 2 at the town of Orondo; E on US Hwy 2, through the towns of Waterville and Douglas, to the Westerman Rd (K S.W. Rd); S on the Westerman Rd (K S.W. Rd) to Alstown Rd (3 S.W. Rd) at the town of Alstown; W on the Alstown Rd (3 S.W. Rd) to the Titchenal Canyon Rd; SW on the Titchenal Canyon Rd to the Sheehan Rd; S on the Sheehan Rd to the Rock Island Grade Rd; SW on the Rock Island Grade Rd to the Columbia River (Chelan-Douglas county line) at the Rock Island Dam; N up the Columbia River (Chelan-Douglas county line), through the town of Wenatchee, to a point in the Columbia due west of the town of Orondo; E to US Hwy 2 at the town of Orondo and the point of beginning (includes Turtle Rock Island).

GMU 269-MOSES COULEE (Douglas and Grant counties):
Beginning on US Hwy 2 and the Westerman Rd (K S.W. Rd); E on US Hwy 2 to the Moses Coulee Rd; S on Moses Coulee Rd to Coulee Meadows Rd; S on Coulee Meadows Rd to Rd J N.W. at the Douglas-Grant county line; S on Rd J N.W. to Rd 23 N.W.; E on Rd 23 N.W. to Sagebrush Flats Rd; S on Sagebrush Flats Rd to Rd J N.W.; S on Rd J N.W. to Overen Rd (Rd 20 N.W.); SW on the Overen Rd (Rd 20 N.W.) to Baird Springs Rd; SW on Baird Springs Rd across SR 28 to the Crescent Bar Rd; S along the Crescent Bar Rd to the Crescent Bar boat launch on the Columbia River; W from the Crescent Bar boat launch to the Douglas-Kittitas county line on the Columbia River; N up the Columbia River (Douglas-Kittitas county line) to the Rock Island Grade Rd at the Rock Island Dam; N on Rock Island Grade Rd to the Sheehan Rd; N on the Sheehan Rd to the Titchenal Canyon Rd; N on the Titchenal Road Canyon Rd to the Alstown Rd (3 S.W. Rd); E on the Alstown Rd (3 S.W. Rd), through the town of Alstown to the Westerman Rd (K Rd S.W.); N on the Westerman Rd to US Hwy 2 and the point of beginning.

GMU 272-BEEZLEY (Grant, Lincoln, and Douglas counties):
Beginning at the junction of SR 155 and SR 174 in the town of Grand Coulee; SE on SR 174 to Rd W N.E. (Grand Coulee Hill Rd); S on Rd W N.E. to Rd 52 N.E.; E on Rd 52 N.E. to X Rd N.E.; S on X Rd N.E. to Peterson Rd; S on Peterson Rd to Douglas Rd; E on Douglas Rd to Old Coulee Rd; S on Old Coulee Rd to Maxwell Rd at the town of Almira; E on Maxwell Rd to SR 2; E on SR 2 to Kiner Rd; S on Kiner Rd to Rd X N.E.; S on Rd X N.E. to Rd W N.E. at the town of Marlin; S on Rd W N.E. to North Frontage Rd; W on North Frontage Rd to Rd U N.E.; S on Rd U N.E. to I-90; W on I-90 to the Columbia River (Grant-Kittitas county line) at the Vantage Bridge; N up the Columbia River (Grant-Kittitas county line) to a point due west of Crescent Bar boat launch; E from the Grant-Kittitas county line on the Columbia River to the Crescent Bar boat launch and Crescent Bar Rd; N on Crescent Bar Rd to SR 28; N across SR 28 to Baird Springs Rd; NE on Baird Springs Rd to Overen Rd; NE on Overen Rd to Rd J

N.W.; N on Rd J N.W. to Sagebrush Flats Rd; N on Sagebrush Flats Rd to Coulee Meadows Rd at the Grant-Douglas county line; N on Coulee Meadows Rd to the Moses Coulee Rd; N on the Moses Coulee Rd to US Hwy 2; E on US Hwy 2 to the west shore of Banks Lake; N along the west shore of Banks Lake to the feeder canal for the Grand Coulee Dam; NE along the feeder canal to SR 174; SW on SR 174 to SR 155 and the point of beginning (except Private Lands Wildlife Management Area 201, Wilson Creek).

GMU 278-WAHLUKE (Grant, Franklin, and Adams counties):
Beginning at I-90 and the Columbia River (Grant-Kittitas county line) at the Vantage Bridge; NE and E on I-90 to Beverly Burke Rd; S on Beverly Burke Rd to Frenchman Hills Rd; E on Frenchman Hills Rd to SR 262; E on SR 262 to SR 17; N on SR 17 to I-90; E on I-90 to Rd U S.E.; S on Rd U S.E. to Booker Rd; S on Booker Rd to SR 26; W on SR 26 to SR 17; S on SR 17 to Scootney Rd; SW on Scootney Rd to Mail Rd; W on Mail Rd to Muse Rd; W on Muse Rd to SR 24; W on SR 24 to the Columbia River (Benton-Grant county line) at the Vernita Bridge; W and N along the Columbia River (Benton-Grant-Kittitas-Yakima county lines) to I-90 at the Vantage Bridge and the point of beginning.

GMU 284-RITZVILLE (Adams, Grant, Lincoln, and Whitman counties):
Beginning at I-90 and Rd U N.E.; N on Rd U N.E. to North Frontage Rd; E on North Frontage Rd to Rd W N.E.; N on Rd W N.E. to Rd 12 N.E.; E on Rd 12 N.E. to Davis Rd; E on Davis Rd to Marcellus Rd; S on Marcellus Rd to Tokio Rd; E on Tokio Rd to Danekas Rd; E on Danekas Rd to I-90; NE on I-90 to SR 23; S on SR 23 to Lamont Rd; SW on Lamont Rd to Revere Rd; S on Revere Rd to Rock Creek; S down Rock Creek to the Palouse River; S and W down the Palouse River to Old SR 26, west of the town of Hooper; W on Old SR 26, across the Palouse River to SR 26; W on SR 26 to Booker Rd; N on Booker Rd to Rd U S.E.; N on Rd U S.E. to I-90 and point of beginning.

GMU 290-DESERT (Grant County):
Beginning at I-90 and Beverly Burke Rd (Rd R S.W.), SW of the town of George; E on I-90 to SR 17; S on SR 17 to SR 262; W on SR 262 to Frenchman Hills Rd (Rd 7 S.W.); W on Frenchman Hills Rd (Rd 7 S.W.) to Beverly Burke Rd; N along Beverly Burke Rd to I-90 and the point of beginning.

[Statutory Authority: RCW 77.12.047. 03-16-087 (Order 03-175), § 232-28-332, filed 8/5/03, effective 9/5/03; 03-06-110 (Order 03-23), § 232-28-332, filed 3/5/03, effective 4/5/03.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 232-28-333 Game management units (GMUs) boundary descriptions—Region three.

GMU 328-NANEUM (Kittitas and Chelan counties):
Beginning US Hwy 97 and US Forest Service Rd 9716 at Blewitt Pass; E on US Forest Service Rd 9716 to US Forest Service Rd 9712 (Liberty-Beehive Rd); E on US Forest Service Rd 9712 (Liberty-Beehive Rd) to the Naneum Ridge (Chelan-Kittitas county line) at the west boundary of Section 22, T21N, R19E; SE along the Naneum Ridge (Chelan-Kittitas county line), past Mission Peak, to Naneum Ridge Rd (WA Dept. of Fish and Wildlife Rd 9) at Wenatchee Mountain; SE on Naneum Ridge Rd (WA Dept. of Fish and Wildlife Rd 9) to Colockum Pass Rd (WA Dept. of Fish and Wildlife Rd 10); S on Colockum Pass Rd (WA Dept. of Fish and Wildlife Rd 10) to the Highline Canal (North Branch Canal); NW along the Highline Canal (North Branch Canal) to Lower Green Canyon Rd; S on Lower Green Canyon Rd to US Hwy 97; N on US Hwy 97 to Blewett Pass and the point of beginning.

GMU 329-QUILOMENE (Kittitas and Chelan counties):
Beginning on the Columbia River at the mouth of Tarpiscan Creek; E from Tarpiscan Creek to the Douglas-Kittitas county line on the Columbia River; S along the Columbia River (Douglas-Kittitas county line) to a point north of Cape Horn; S from the Columbia River (Douglas-Kittitas county line) to Cape Horn; S up Cape Horn to its rim; SE along the top of Cape Horn and the rim of the West Bar Cliffs (cliffs overlooking West Bar) to WA Dept. of Fish and Wildlife Rd 14.14; E along WA Dept. of Fish and Wildlife Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd 14.17 to WA Dept. of Fish and Wildlife Rd 14 rear gate; S on WA Dept. of Fish and Wildlife Rd 14 to Tekison Creek; SE along Tekison Creek its mouth on the Columbia River; E from Tekison Creek to the Grant-Kittitas county line on the Columbia River; S along Columbia River (Grant-Kittitas county line) to I-90 bridge at the town of Vantage; W along I-90 to Highline Canal (North Branch Canal); N on Highline Canal (North Branch Canal) to Colockum Rd (WA Dept. of Fish and Wildlife Rd 10); N on Colockum Rd to North Fork Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 10.10); E on North Fork Tarpiscan Rd to Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 14); S on Tarpiscan Rd (WA Dept. of Fish and Wildlife Rd 14) approximately 100 feet to Tarpiscan Creek; E down Tarpiscan Creek to its mouth on the Columbia River and the point of beginning.

GMU 330-West Bar (Kittitas County):
Beginning on the Columbia River at Cape Horn; S up Cape Horn to its rim; SE along the rim of Cape Horn and West Bar Cliffs (the cliffs overlooking West Bar) to WA Dept. of Fish and Wildlife Rd 14.14; E along Rd 14.14 to WA Dept. of Fish and Wildlife Rd 14.17; S along WA Dept. of Fish and Wildlife Rd 14.17 to WA Dept. of Fish and Wildlife Rd 14 near the gate; S on WA Dept. of Fish and Wildlife Rd. 14 to Tekison Creek; SE down Tekison Creek to its mouth on the Columbia River; E from Tekison Creek to the Kittitas-Grant county line on the Columbia River; N and W along the Columbia River (Kittitas-Grant then Kittitas-Douglas county lines) to a point north of Cape Horn; S from the aforesaid point in the Columbia River to Cape Horn and the point of beginning.

GMU 334-ELLENSBURG (Kittitas County):
Beginning on US Hwy 97 and Lower Green Canyon Rd; N on Lower Green Canyon Rd to Highline Canal; N, E and S along Highline Canal to I-90 and the Yakima Training Center boundary; S and W along the Yakima Training Center boundary to I-82; N on I-82 to Thrall Rd; W on Thrall Rd to

Wilson Creek; S down Wilson Creek to Yakima River; N up Yakima River to Umptanum Rd; S up Umptanum Rd to the South Branch Extension Canal; W on South Branch Extension Canal to Bradshaw Rd; W on Bradshaw Rd to the elk fence; N along the elk fence to Taneum Creek; NE down Taneum Creek to the Yakima River; NE down the Yakima River to Thorp Hwy; NW along the Thorp Hwy to SR 10; SE on SR 10 to US Hwy 97 junction; N on US Hwy 97 to Lower Green Canyon Rd and point of beginning.

GMU 335-TEANAWAY (Kittitas County):
Beginning at I-90 and US Forest Service Trail 2000 (Pacific Crest Trail) at Snoqualmie Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to the Alpine Lakes Wilderness boundary; E on the Alpine Lakes Wilderness boundary to the Chelan-Kittitas county line; E on US Forest Service Trail 1226 to US Hwy 97 at Blewett Pass; S on US Hwy 97 to SR 10; N and W on SR 10 to Thorp Hwy; SE on Thorp Hwy to Yakima River; SW up the Yakima River to Taneum Creek; SW up Taneum Creek to I-90; W on I-90 to US Forest Service Trail 2000 (Pacific Crest Trail) at Snoqualmie Pass and the point of beginning.

GMU 336-TANEUM (Kittitas County):
Beginning at US Forest Service Trail 2000 (Pacific Crest Trail) and I-90 at Snoqualmie Pass; E on I-90 to Taneum Creek; W up Taneum Creek to the south fork of Taneum Creek; W up the south fork of Taneum Creek to US Forest Service Trail 1367; W on US Forest Service Trail 1367 to US Forest Service Trail 1363; S on US Forest Trail 1363 (Peaches Ridge Trail) to US Forest Service Trail 1388; W on US Forest Service Trail 1388 to US Forest Service Trail 2000 (Pacific Crest Trail) to Blowout Mountain; N on US Forest Service Trail 2000 (Pacific Crest Trail) to I-90 at Snoqualmie Pass and the point of beginning.

GMU 340-MANASTASH (Kittitas County):
Beginning at I-82 and SR 821; N on SR 821 to SR 823 (Harrison Rd); W on SR 823 (Harrison Rd) to Yakima River; N up Yakima River to Umtanum Creek; W up Umtanum Creek to Ellensburg-Wenas Rd; W and S along Ellensburg-Wenas Rd to North Fork Wenas Rd (Audubon Rd, W5000); NW along North Fork Wenas Rd to Barber Springs Rd; W on Barber Springs Rd to US Forest Service Trail 4W694; NW on US Forest Service Trail 4W694 to US Forest Service Trail 4W307; NW on US Forest Service Trail 4W307 to US Forest Service Trail 1388; NW on US Forest Service Trail 1388 to US Forest Service Trail 4W306; NW on US Forest Service Trail 4W306 to US Forest Service Trail 1388 at Quartz Mountain; NW along US Forest Service Rd 1388 to US Forest Service Trail 1363 (Peaches Ridge Trail); N and E along US Forest Service Trail 1363 (Peaches Ridge Trail) to US Forest Service Trail 1367; SE along US Forest Service 1367 to South Fork Taneum Creek; E down the South Fork Taneum Creek to Taneum Creek; E down Taneum Creek to the elk fence; SE along the elk fence to Bradshaw Rd; E on Bradshaw Rd to South Branch Extension Canal; SE along the South Branch Extension Canal to Umtanum Rd; N on Umtanum Rd to Yakima River; S down the Yakima River to Wilson Creek; NE up Wilson Creek to Thrall Rd; E on Thrall Rd to I-82; SE and SW on I-82 to SR 821 and the point of beginning.

GMU 342-UMTANUM (Kittitas and Yakima counties):
Beginning at US Forest Service Rd 1701 and Barber Springs Rd (WA Dept. of Natural Resources Rd W5000) at T17N, R15E, NE 1/4 of Section 12; SE on Barber Springs Rd to the North Fork Wenas Rd (Audubon Rd); SE on the North Fork Wenas Rd to Wenas-Ellensburg Rd; NE on Wenas-Ellensburg Rd to Umtanum Creek; E down the Umtanum Creek to the Yakima River; S down the Yakima River to I-82; SE on I-82 to US Hwy 12 at the city of Yakima; NW on US Hwy 12 to SR 410; NW on SR 410 to US Forest Service Rd 1701; N on US Forest Service Rd 1701 to Barber Spring Rd-US Forest Service Trail 4W694 intersection and the point of beginning.

GMU 346-LITTLE NACHES (Yakima and Kittitas counties):
Beginning at US Forest Service Rd 1388 and US Forest Service Trail 2000 (Pacific Crest Trail) at Blowout Mountain; SE on US Forest Service Rd 1388 to US Forest Service Trail 4W306; SE on US Forest Service Trail 4W306 to US Forest Service Trail 1388; SE on US Forest Service Trail 1388 to US Forest Service Trail 4W307; SE on US Forest Service Trail 4W307 to US Forest Service Trail 4W694; E on US Forest Service Trail 4W694 to US Forest Service Rd 1701 (T17N, R15E, NW 1/4 of Section 12); S on US Forest Service Rd 1701 to SR 410; NW and SW on SR 410 to US Forest Service Trail 2000 (Pacific Crest Trail) near Chinook Pass; N on US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Rd 1388 at Blowout Mountain and the point of beginning.

GMU 352-NILE (Yakima County):
Beginning on the Bumping Lake Rd and SR 410; E and S on SR 410 to the Lower Nile Loop Rd; W and N on the Lower Nile Loop Rd to US Forest Service Rd 1500; W on US Forest Service Rd 1500 to US Forest Service Rd 1502 (McDaniel Lake Rd); W on the US Forest Service Rd 1502 (McDaniel Lake Rd) to Rattlesnake Creek; N down Rattlesnake Creek to the North Fork of Rattlesnake Creek; W up the North Fork of Rattlesnake Creek to US Forest Service Trail 973 (Richmond Mine Rd); N on US Forest Service Trail 973 (Richmond Mine Trail) to US Forest Service Rd 1800 (Bumping Lake Rd); N on the US Forest Service Rd 1800 (Bumping Lake Rd) to SR 410 and the point of beginning.

GMU 356-BUMPING (Yakima County):
Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and SR 410 at Chinook Pass; NE on SR 410 to US Forest Service Rd 1800 (Bumping Lake Rd); SW on the US Forest Service Rd 1800 (Bumping Lake Rd) to US Forest Service Trail 973 (Richmond Mine Rd); SE on US Forest Service Trail 973 (Richmond Mine Rd) to the north fork of Rattlesnake Creek; SE down the north fork of Rattlesnake Creek to US Forest Service Rd 1502 (McDaniel Lake Rd); SE on US Forest Service Rd 1502 (McDaniel Lake Rd) to US Forest Service Rd 1500; S on US Forest Service Rd 1500 to US Hwy 12; W on US Hwy 12 to US Forest Service Trail 2000 (Pacific Crest Trail) at White Pass; N on the US Forest Service Trail 2000 (Pacific Crest Trail) to SR 410 at Chinook Pass and the point of beginning. (Lands within the boundary of Mt. Rainier National Park along the Pacific Crest Trail are not open to hunting.)

GMU 360-BETHEL (Yakima County):
Beginning on SR 410 and the Lower Nile Loop Rd; SE on SR 410 to US Hwy 12; SW on US Hwy 12 to US Forest Service Rd 1500; N and E on US Forest Service Rd 1500 to Nile Loop Rd; SE on Nile Loop Rd to SR 410, southeast of the town of Nile, and the point of beginning.

GMU 364-RIMROCK (Yakima County):
Beginning on US Forest Service Trail 2000 (Pacific Crest Trail) and US Hwy 12 at White Pass; E on US Hwy 12 to US Forest Service 1302 (Jump Off Rd) at Windy Point; SW on US Forest Service 1302 (Jump Off Rd) to US Forest Service Trail 1127, southeast of the Jump Off Lookout; SW on US Forest Service Trail 1127 to US Forest Service Rd 613; SW on US Forest Service Rd 613 to US Forest Service Rd 1020; SW on US Forest Service Rd 1020 to US Forest Service Rd 615; SW on US Forest Service Rd 615 to US Forest Service Trail 1136; SW on US Forest Service Trail 1136 to its southernmost point; W from US Forest Service Trail 1136 to Spenser Point; NW on the Yakama Indian reservation boundary from Spenser Point to the US Forest Service Trail 2000 (Pacific Crest Trail); N on the US Forest Service Trail 2000 (Pacific Crest Trail) to US Hwy 12 at White Pass and the point of beginning.

GMU 368-COWICHE (Yakima County):
Beginning on US Hwy 12 to US Forest Service Rd 1302 (Jump Off Rd) at Windy Point; NE and SE on US Hwy 12 to I-82; NW on I-82 to the Yakima River; S down the Yakima River to Ahtanum Creek; W up Ahtanum Creek to the south fork of Ahtanum Creek; SW up the south fork of Ahtanum Creek to its junction with Reservation Creek; NW up the south fork of Ahtanum Creek to its headwaters; N along the crest of the main divide between the Diamond Fork drainage and the Middle Fork Ahtanum Creek drainage to Darland Mountain; NE on US Forest Service Trail 615 to US Forest Service Rd 1020; NE on US Forest Service Rd 1020 to US Forest Service Rd 613; NE on US Forest Service Rd 613 to US Forest Service Trail 1127; NE on US Forest Service Trail 1127 to US Forest Service Rd 1302 (Jump Off Rd), SE of the Jump Off Lookout Station; NE on US Forest Service Rd 1302 (Jump Off Rd) to US Hwy 12 and the point of beginning.

GMU 371-ALKALI (Kittitas and Yakima counties):
Beginning at the Vantage Bridge where I-90 crosses the Columbia River; S down the Columbia River (Kittitas-Grant and Grant-Yakima county line) to the Priest Rapids Dam; NW on the southern shore of the Columbia River (Priest Rapids Lake) to the Yakima Training Center boundary; S and W along the Yakima Training Center boundary to the main gate on Firing Center Rd; W along Firing Center Rd to I-82; N along I-82 to Yakima Training Center boundary at Vanderbuilt Gap; N and E along the Yakima Training Center boundary to I-90; E on I-90 to the Vantage Bridge on Columbia River and the point of beginning.

GMU 372-KIONA (Benton and Yakima counties):
Beginning at southern corner of Yakima Training Center border on the Columbia River, northwest of the Priest Rapids Dam; SE on the southern shore of the Columbia River (Priest Rapids Lake) to the Priest Rapids Dam; E along the Columbia River (Yakima-Grant, Grant-Benton county lines) to the Vernita Bridge on SR 24; E and S down the Benton County side of the Columbia River, following the ordinary high water mark of the shoreline, to the mouth of the Yakima River; NE from the mouth of the Yakima River to the Franklin-Benton county line in the Columbia River; SE down the Columbia River (Franklin-Benton and Benton-Walla Walla county lines) to the Washington-Oregon state line; W on the Columbia River (Washington-Oregon state line) from the southern junction of the Benton-Walla Walla county lines to Alder Creek (including all islands in the Columbia River north of the Oregon state line and between Alder Creek and the junction of the Benton-Walla Walla county lines); N on Alder Creek to SR 14; E on SR 14 to Alderdale Rd; N on the Alderdale Rd to Ridge Rd; W and S on Ridge Rd to Donaho Rd; W on Donaho Rd to Mabton-Bickleton Hwy (Glade Rd); N on Mabton-Bickleton Rd to the power transmission lines; SW on the power transmission lines to the power line access road in Section 3, T6N, R20E; N on power line access road to Yakama reservation Road 272 at the Yakama Indian reservation boundary; NE on the Yakama Indian reservation boundary to the Mabton-Sunnyside Rd; N on the Mabton-Sunnyside Rd to the Yakima River; NW up the Yakima River to SR 823 (Harrison Rd) south of the town of Pomona; E along SR 823 (Harrison Rd) to SR 821; SE on SR 821 to Firing Center Rd at I-82; E on Firing Center Rd to the main gate of the Yakima Training Center; S and E along the Yakima Training Center boundary to southern corner of the Yakima Training Center boundary on the Columbia River and the point of beginning. (The Hanford Nuclear Reservation is closed to all unauthorized public entry.)

GMU 381-ESQUATZEL (Franklin, Grant and Adams counties):
Beginning at the Vernita Bridge on SR 24 and the west shore of the Columbia River Grant-Benton county line; N and E on SR 24 to Muse Rd; E on Muse Rd to Mail Rd; E on Mail Rd to Scootney Rd; N on Scootney Rd to SR 17; N on SR 17 to SR 26; E on SR 26 to Old SR 26; E on Old SR 26 to the Palouse River (Whitman-Franklin county line); S down the Palouse River to Snake River (Franklin-Walla Walla county line); W and SW down the Snake River to the Columbia River (Franklin-Benton-Walla Walla county line junction); NW up the Columbia River (Franklin-Benton county line) to a point northeast of the mouth of the Yakima River where it joins the Columbia River; SW to the mouth of the Yakima River; N and W up the Benton county side of the Columbia River, following the ordinary high water mark of the shoreline, to the mouth of the Vernita Bridge on SR 24 and the point of beginning. (Certain portions of the Hanford Reach National Monument are closed to public entry. The Hanford Nuclear Reservation and the Saddle Mountain National Wildlife Refuge are closed to unauthorized public entry.)

GMU 382-EAST KLICKITAT (Klickitat County):
Beginning at the US Hwy 97 Bridge on the Columbia River at the town of Maryhill; N on US Hwy 97 to the Yakama Indian reservation at Satus Pass; E along the Yakama Indian reservation boundary to Yakama Reservation Rd 272 and the power line access road; S and E on the power line access road to the electrical transmission lines; N and E on the electrical transmission lines to the Mabton-Bickleton Hwy (Glade Rd); S on the Mabton-Bickleton Hwy to Donaho Rd; E on Donaho Rd to Ridge Rd; E and N on Ridge Rd to Alderdale Rd; SE

and S on Alderdale Rd to SR 14; W on SR 14 to Alder Creek; S down Alder Creek to the Columbia River; W down the Columbia River to the US Hwy 97 Bridge at the town of Maryhill and the point of beginning including all islands in the Columbia River both north of the Washington-Oregon state line and between Alder Creek and the US Hwy 97 Bridge at Maryhill.

[Statutory Authority: RCW 77.12.047. 03-16-087 (Order 03-175), § 232-28-333, filed 8/5/03, effective 9/5/03; 03-06-110 (Order 03-23), § 232-28-333, filed 3/5/03, effective 4/5/03.]

WAC 232-28-334 Game management units (GMUs) boundary descriptions—Region four.

GMU 407-NORTH SOUND (Whatcom, Skagit, Snohomish and King counties):
Beginning at the NW corner of Whatcom county line and the US-Canadian border; E on the US-Canadian border to a point due north of Silver Lake Rd; S to Silver Lake Rd; S on Silver Lake Rd to SR 542 (Mount Baker Hwy); SW on SR 542 (Mount Baker Hwy) to Mosquito Lake Rd; S on Mosquito Lake Rd to SR 9 (Valley Hwy); S on SR 9 (Valley Hwy) through the town of Sedro-Woolley then S on SR 9 to SR 530 at the town of Arlington; NE on SR 530 to Jim Creek-Trafton Rd at the Trafton School in the town of Trafton; SE along Jim Creek-Trafton Rd (242nd St. NE) to the City of Seattle power transmission line; SW on the transmission line to Jordan Rd in Section 20, T31N, R6E; SE along Jordan Rd to SR 92 at the town of Granite Falls; E on SR 92 to South Alder Ave; S on South Alder Ave to East Pioneer St; E and SE on East Pioneer St to Menzel Lake Rd; S on Menzel Lake Rd to North Lake Roesiger Rd; S on North Lake Roesiger Rd to South Lake Roesiger Rd; S on South Lake Roesiger Rd to Woods Creek Rd; S on Woods Creek Rd to US Hwy 2 at the town of Monroe; W on US Hwy 2 to SR 203 at the town of Monroe; S on SR 203 to N.E. Woodinville-Duvall Rd at the town of Duvall; W on N.E. Woodinville-Duvall Rd to the Snoqualmie River; N down the Snoqualmie River to the Snohomish River; W down the Snohomish River to its mouth on the Puget Sound; W from the mouth of the Snohomish River to the northern tip of Gedney Island; due W from the northern tip of Gedney Island to a point on the Snohomish-Island county line; N along the Island-Snohomish county line in Possession Sound and Port Susan to Juniper Beach and N through Davis Slough to the Island-Snohomish-Skagit county junction; W and N along Island-Skagit county line through Skagit Bay and W through Deception Pass to San Juan-Skagit county line; N on the San Juan-Skagit county line to a point due West of Kelly's Point on Guemes Island; E from the San Juan-Skagit county line to Bellingham Channel; N through the middle of Bellingham Channel; NE from Bellingham Channel to Carter Point on Lummi Island; NW from Carter Point to the Skagit-Whatcom county line; W along Skagit-Whatcom county line to the Whatcom-San Juan county line; NW along the Whatcom-San Juan county line to the US-Canadian border and the point of beginning.

GMU 410-ISLANDS (San Juan and Island counties):
Beginning at the junction of San Juan-Whatcom county lines and the US-Canadian border at the northernmost point in San Juan County; SE on the San Juan-Whatcom county line to the junction of San Juan-Whatcom-Skagit county lines; E on the Skagit-Whatcom county line to the first point where the Skagit-Whatcom county line turns SE; SE from the Skagit-Whatcom county line to Carter Point on Lummi Island; SW down the middle of Bellingham Channel to a point due W of Kelly's Point on Guemes Island and including Cypress Island; W to the Skagit-San Juan county line; S through Rosario Strait on the San Juan-Skagit county line to the San Juan-Skagit-Island county line; E on the Skagit-Island county line through Deception Pass and S through Skagit Bay to the Island-Snohomish-Skagit county junction; SE on the Island-Snohomish county line through Davis Slough, Juniper Beach, Port Susan, Possession Sound to the Island-Kitsap county line; NW on the Island-Kitsap-Jefferson county line through Puget Sound, Admiralty Inlet, and the Strait of Juan De Fuca; W on the Clallam-Jefferson-San Juan county lines to the US-Canadian border; N on the US-Canadian border, through Middle Bank, Haro Strait, and Boundary Pass, to the northernmost corner of San Juan-Whatcom county line and the point of beginning.

GMU 418-NOOKSACK (Whatcom and Skagit counties):
Beginning at the US-Canadian border and the western border of the North Cascades National Park; S on the North Cascades National Park boundary to Noisy Diobsud Wilderness Area boundary; W and S on Noisy Diobsud Wilderness Area boundary to a point due E of the head waters of Watson Creek; W to the headwaters of Watson Creek; S down Watson Creek to Thunder Creek; W down Thunder Creek to Baker River Rd; S along Baker River Rd to SR 20 at the town of Concrete; W along SR 20 to SR 9 at the town of Sedro-Woolley; N along SR 9 to Mosquito Lake Rd; N on the Mosquito Lake Rd to SR 542 (Mount Baker Hwy); N on SR 542 (Mount Baker Hwy) to the Silver Lake Rd; N on the Silver Lake Rd to its northern most point; N from the Silver Lake Rd to the US-Canadian border; E on the US-Canadian border to the western border of the North Cascades National Park and the point of beginning.

GMU 426-DIABLO (Skagit and Whatcom counties):
Beginning at the US-Canadian border and the western boundary of the Ross Lake National Recreation Area; S on the Ross Lake National Recreation Area boundary across SR 20 (North Cascades Hwy) and Skagit River; NE and E on the Ross Lake National Recreation Area boundary to a point 2 miles east of Panther Creek, where the recreation boundary connects with the Okanogan National Forest boundary; S on North Cascades National Park boundary to the Skagit-Chelan county line at Fisher Peak; SE along the Skagit-Chelan county line, across SR 20 to the US Forest Service Trail 2000 (Pacific Crest Trail); N on the US Forest Service Trail 2000 (Pacific Crest Trail) to the Pasayten Wilderness boundary at Jim Pass; W along the Pasayten Wilderness boundary to the Ross Lake National Recreation Area boundary; N along the Ross Lake National Recreation Area-Pasayten Wilderness Area boundary to the US-Canadian border; W along the US-Canadian border to the NW corner of the Ross Lake National Recreation Area and the point of beginning.

GMU 437-SAUK (Skagit and Snohomish counties):
Beginning at the intersection of SR 9 and SR 20, W of the town of Sedro-Woolley; E along SR 20 to Baker River Rd at the town of Concrete; N on Baker River Rd to Thunder

Creek; E up Thunder Creek to Watson Creek; N up Watson Creek to its headwaters; E from the headwaters of Watson Creek to Noisy Diobsud Wilderness boundary; N and E on Noisy Diobsud Wilderness boundary to North Cascades National Park boundary; S and E along the North Cascades National Park boundary to the Ross Lake National Recreation boundary; S along the Ross Lake National Recreation Area boundary, across the SR 20 (North Cascade Hwy) and the Skagit River; E along the Ross Lake National Recreation Area boundary to the North Cascades National Park boundary near Big Devil Peak; SE on the North Cascades National Park boundary to the Cascade River Rd; S on Cascade River Rd to US Forest Service Rd 1590; S on US Forest Service Rd 1590 to US Forest Service Trail 769 (South Fork Cascade River Trail); S on US Forest Service Trail 769 (South Fork Cascade River Trail) to the Glacier Peak Wilderness Area boundary; W and S on Glacier Peak Wilderness Area Boundary to the Suiattle River; W down the Suiattle River to the Sauk River; N on the Sauk River to SR 530 (Sauk Valley Rd); S on SR 530 to the town of Darrington; W on SR 530 to SR 9 at the town of Arlington; N on SR 9 to SR 20, W of the town of Sedro-Woolley, and the point of beginning.

GMU 448-STILLAGUAMISH (Snohomish and Skagit counties):
Beginning at the intersection of Hwy 530 (Arlington-Darrington Hwy) and Jim Creek Rd at the town of Trafton; NE on SR 530 to the town of Darrington; N on SR 530 (Sauk Valley Rd) to the Sauk River; S on the Sauk River to Suiattle River; E along the Suiattle River to the Glacier Peak Wilderness Area boundary; S on the Glacier Peak Wilderness Area boundary to US Forest Service Trail 650 West of June Mountain; W on the US Forest Service Trail 650, to US Forest Service Trail 1050 (Quartz Creek Trail) at Curry Gap; S on the US Forest Service Trail 1050 (Quartz Creek Trail) to US Forest Service Rd 6300; E on US Forest Service Rd 6300 to US Forest Service Trail 1051; NE on Trail 1051 to Henry M. Jackson Wilderness boundary; S along the Henry M. Jackson Wilderness boundary to Meadow Creek; S down Meadow Creek to Rapid River; E up Rapid River to US Forest Service Trail 2000 (Pacific Crest Trail) at Lake Janus; S on the US Forest Service Trail 2000 (Pacific Crest Trail) to SR 2 at Stevens Pass; W on SR 2 to Woods Creek Rd at the town of Monroe; N on Woods Creek Rd to South Lake Roesiger Rd; N on South Lake Roesiger Rd to North Lake Roesiger Rd; N on North Lake Roesiger Rd to Menzel Lake Rd; N on Menzel Lake Rd to East Pioneer St; NW and W on East Pioneer St to South Alder Ave; N on South Alder Ave to SR 92; W on SR 92 to Jordan Rd; NW on Jordan Rd, through the town of Jordan, to the City of Seattle power transmission lines; NE on the transmission lines to Jim Creek-Trafton Rd (242nd St. NE); W on Jim Creek-Trafton Rd to SR 530 at the town of Trafton and the point of beginning.

GMU 450-CASCADE (Skagit and Snohomish counties):
Beginning on the Glacier Peak Wilderness boundary and Jordan Creek, W of Jordan Lakes; N and E on the wilderness boundary to US Forest Service Trail 769; N on US Forest Service Trail 769 to US Forest Service Rd 1590; N on US Forest Service Rd 1590 to the US Forest Service Rd 15 (Cascade River Rd); N on US Forest Service Rd 15 (Cascade River Rd) to the North Cascades National Park boundary; E on the North Cascades National Park boundary to US Forest Service Trail 2000 (Pacific Crest Trail); S on US Forest Service Trail 2000 (Pacific Crest Trail) to the Rapid River at Lake Janus; NW down the Rapid River to Meadow Creek; N up Meadow Creek to Henry M. Jackson Wilderness Area boundary; N along the Henry M. Jackson Wilderness boundary to US Forest Service Trail 1051; S on US Forest Service Trail 1051 to US Forest Service Rd 6300; W on US Forest Service Rd 6300 to US Forest Service Trail 1050; N on US Forest Service Trail 1050 to US Forest Service Trail 650 at Curry Gap; E on US Forest Service Trail 650 to the Glacier Peak Wilderness boundary west of June Mountain; N on the Glacier Peak Wilderness boundary, across the Suiattle River, to Jordan Creek and the point of beginning.

GMU 454-ISSAQUAH (King and Snohomish counties):
Beginning at the mouth of the Snohomish River at the city of Everett; SE up the Snohomish River to the Snoqualmie River; SE up the Snoqualmie River to NE Woodinville-Duvall Rd; E on NE Woodinville-Duvall Rd to SR 203 at the town of Duvall; S on SR 203 to SR 202 (Fall City-Snoqualmie Rd) at the town of Fall City; S on SR 202 (Fall City-Snoqualmie Rd), across the Snoqualmie River to Preston-Fall City Rd; SW on Preston-Fall City Rd to I-90 at the town of Preston; E on I-90 to SR 18; S on SR 18 to the Raging River; SE along the Raging River to Kerriston Rd; S on Kerriston Rd to the City of Seattle Cedar River Watershed boundary; W, S and E along the Cedar River Watershed boundary to US Forest Service Rd 5100; S along US Forest Service Rd 5100 to the posted boundary of the Green River Watershed; S along the posted boundary of the Green River Watershed to the US Forest Service Rd 5410; S on US Forest Service Rd 5410 to US Forest Service Rd 5400; E on US Forest Service Rd 5400 to the junction with posted boundary of the Green River Watershed; S on the posted Tacoma Green River Watershed boundary to US Forest Service Rd 7110 (Weyerhaeuser 5200 line) near Lynn Lake; SW on US Forest Service Rd 7110 (Weyerhaeuser 5200 line) to US Hwy 410; W on SR 410 to SR 164 at the city of Enumclaw; W on SR 164 to SR 18 at the city of Auburn; W on SR 18 to SR 99; N on SR 99 to SR 509; W on SR 509 to Redondo Way South; NW on Redondo Way South to the town of Redondo on Puget Sound; SW across Admiralty Inlet on the Pierce-King county line to the point [where] [were] the county line turns southeast, northwest of Dash Point; W and N along the King county line to King, Snohomish, and Kitsap county line junction in the Puget Sound west of Point Wells; N on the Snohomish county line through Possession Sound to a point on the Snohomish county line due west of the northern tip of Gedney Island (Hat Island); E to the northern tip of Gedney Island (Hat Island); E from the northern tip of Gedney Island (Hat Island) to the mouth of the Snohomish River and the point of beginning.

GMU 460-SNOQUALMIE (King and Snohomish counties):
Beginning at SR 203 and SR 2 at the town of Monroe; E on SR 2 to US Forest Service Trail 2000 (Pacific Crest Trail) at Stevens Pass; S on the US Forest Service Trail 2000 (Pacific Crest Trail) to the City of Seattle Cedar River Watershed; W on the Cedar River Watershed boundary to Kerriston Rd; N on Kerriston Rd to the Raging River; W and N along the Rag-

ing River to SR 18; N on SR 18 to I-90; W on I-90 to the Preston-Fall City Rd; N on the Preston-Fall City Rd to SR 202 (Fall City-Snoqualmie Rd); N on SR 202 (Fall City-Snoqualmie Rd), across the Snoqualmie River, to SR 203; N on SR 203 to SR 2 at the town of Monroe and the point of beginning.

GMU 466-STAMPEDE (King County):
Beginning on the US Forest Service Trail 2000 (Pacific Crest Trail) and the east boundary of the City of Seattle Cedar River Watershed; S on the US Forest Service Trail 2000 (Pacific Crest Trail) past Blowout Mountain to US Forest Service Rd 7038 at its closest point to the Pacific Crest Trail near Windy Gap north of Pyramid Peak; NW on US Forest Service Rd 7038 to US Forest Service Rd 7036; NW on US Forest Service Rd 7036 to US Forest Service Rd 7030; NW on US Forest Service Rd 7030 to US Forest Service Rd 7032; NW on US Forest Service Rd 7032 to US Forest Service Trail 1172; W on US Forest Service Trail 1172 to about 1/4 mile past Williams Hole to the posted boundary of the City of Tacoma Green River Watershed; N on the posted City of Tacoma Green River Watershed boundary to the City of Seattle Cedar River Watershed boundary; N along City of Seattle Cedar River Watershed boundary to US Forest Service Trail 2000 (Pacific Crest Trail) and the point of beginning.

GMU 485-GREEN RIVER (King County):
Beginning at the junction of NW corner of the city of Tacoma Green River Watershed and US Forest Service Rd 5100; E on the boundary between the Green River Watershed and the Cedar River Watershed to US Forest Service Rd 5060; S on US Forest Service Rd 5060 to the posted boundary of the Green River Watershed; along the southern boundary of the Green River Watershed over Huckleberry Mountain and Grass Mountain to the US Forest Service Rd 5400; NW along US Forest Service Rd 5400 to US Forest Service Rd 5410; N along US Forest Service Rd 5410 to posted boundary of the City of Tacoma Green River Watershed; N along the posted boundary of the City of Tacoma Green River Watershed to US Forest Service Rd 5100; N along US Forest Service Rd 5100 to City of Tacoma Green River Watershed and City of Seattle Cedar River Watershed border and the point of beginning.

GMU 490-CEDAR RIVER (King County):
The area within the posted boundary of the city of Seattle's Cedar River Watershed.

[Statutory Authority: RCW 77.12.047. 03-16-087 (Order 03-175), § 232-28-334, filed 8/5/03, effective 9/5/03; 03-06-110 (Order 03-23), § 232-28-334, filed 3/5/03, effective 4/5/03.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 232-28-335 Game management units (GMUs) boundary descriptions—Region five.

GMU 501-LINCOLN (Lewis, Thurston, Pacific, and Grays Harbor counties):
Beginning at the intersection of I-5 and SR 6; west on SR 6 to Stevens Rd; NW on Stevens Rd to Elk Creek Rd at the town of Doty; W on Elk Creek Rd to Weyerhaeuser 7000 line; W and N on Weyerhaeuser 7000 line to Weyerhaeuser 7400 line; N on Weyerhaeuser 7400 line to Weyerhaeuser 7050 line; NE on Weyerhaeuser 7050 line to Weyerhaeuser 7000 line; NW and N on Weyerhaeuser 7000 line to the Weyerhaeuser 7800 line; N on Weyerhaeuser 7800 line to Weyerhaeuser 7800 F line; NE on Weyerhaeuser 7800 F line to Weyerhaeuser 720 line; E on Weyerhaeuser 720 line to Weyerhaeuser 723 line; NW on Weyerhaeuser 723 line to the Weyerhaeuser C line; NE on Weyerhaeuser C line to Garrard Creek Rd; NE on Garrard Creek Rd to South Bank Rd; E on South Bank Rd to North State St; N on North State St to US Hwy 12 at the town of Oakville; E on US Hwy 12 to I-5; S on I-5 to SR 6 and point of beginning.

GMU 503-RANDLE (Lewis County):
Beginning at the intersection of US Hwy 12 and the Rainier Timber 100 Mainline (Kosmos Rd, Old Champion Haul Rd); E on US Hwy 12 to SR 131; S on SR 131 to US Forest Service Rd 25; S on the US Forest Service Rd 25 to the Cispus River; W on the Cispus River to Rainier Timber 271 line; S on the Rainier Timber 271 line to the Rainier Timber 300 line; W on the Rainier Timber 300 line to the Rainier Timber 100 line; N on the Rainier Timber 100 line (Kosmos Rd) to US Hwy 12 and the point of beginning.

GMU 504-STELLA (Cowlitz County):
Beginning at the mouth of the Cowlitz River on the Columbia River; W down the Columbia River to the mouth of Germany Creek (including all islands in the Columbia River which are both north of the Washington-Oregon state line and between the Cowlitz River and Germany Creek); N up Germany Creek to SR 4; E on SR 4 to Germany Creek Rd; N on Germany Creek Rd to International Paper 1000 line; N on International Paper 1000 line to International Paper 1050 line; E on International Paper 1050 line to International Paper 2200 line; E and S on International Paper 2200 to Woodside Dr; NE on Woodside Dr to Delameter Rd; E on Delameter Rd to the three power lines; N along the three power lines to Weyerhaeuser 9312 line; E on Weyerhaeuser 9312 line to Growlers Gulch Rd; E on Growlers Gulch Rd to Public Highway 10 Rd; E along the Public Highway 10 Rd to the A Street bridge over the Cowlitz River at the town of Castle Rock; S down the Cowlitz River to the Columbia River and point of beginning.

GMU 505-MOSSYROCK (Lewis County):
Beginning on I-5 and the Cowlitz River; NE up the Cowlitz River to the Mayfield Dam; NE along the south shore of Mayfield Lake to the US Hwy 12 bridge; NE on US Hwy 12 to Winston Creek Rd; SE on Winston Creek Rd to Longbell Rd; E on Longbell Rd to Perkins Rd; NE on Perkins Rd to Green Mountain Rd; E on Green Mountain Rd to the outlet of Swofford Pond; E along the Swofford Pond outlet to Riffe Lake; E along the south shore of Riffe Lake to the Cowlitz River; up the Cowlitz River to the Rainier Timber 100 Mainline; N on the Rainier Timber 100 Mainline to US Hwy 12; W on US Hwy 12 to SR 7 at the town of Morton; N on SR 7 to SR 508; W on Highway 508 to Centralia-Alpha Rd; W and N on Centralia-Alpha Rd to Salzer Valley Rd; W on Salzer Valley Rd to Summa St at the town of Centralia; W on Summa St to Kresky Rd; N on Kresky Rd to Tower St; N on Tower St to

SR 507; W on SR 507 (Cherry St, Alder St, and Mellen St) to I-5; S on I-5 to the Cowlitz River and point of beginning.

GMU 506-WILLAPA HILLS (Wahkiakum, Pacific and Lewis counties):
Beginning at SR 6 and 3rd St South at the town of Pe Ell; S on 3rd St South to Muller Rd; S on Muller Rd to Weyerhaeuser 1000 line; S on Weyerhaeuser 1000 line to Weyerhaeuser 1800 line; S on Weyerhaeuser 1800 line to Weyerhaeuser 500 line; SE on Weyerhaeuser 500 line to SR 407 (Elochoman Valley Rd) at Camp 2; S on SR 407 (Elochoman Valley Rd) to the Elochoman River; down the Elochoman River to Foster Rd; N on Foster Rd to Risk Rd; W and N along Risk Rd to SR 4; W on SR 4 to Skamokawa Creek; SW down Skamokawa Creek to the Columbia River; W along Columbia River to the mouth of the Deep River (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Deep River); N along the Deep River to SR 4; NW on SR 4 to the Salmon Creek Rd; NE on Salmon Creek Rd to Weyerhaeuser 5000 line; N on Weyerhaeuser 5000 line to Weyerhaeuser 5800 line; NE on Weyerhaeuser 5800 line to power transmission line; N on the power transmission line to SR 6; E on SR 6 to the town of Pe Ell and the point of beginning.

GMU 510-STORMKING (Lewis County):
Beginning on US Hwy 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverbrook Rd to US Forest Service Rd 47; N on US Forest Service Rd 47 to US Forest Service Rd 85; W and N on US Forest Service Rd 85 to US Forest Service Rd 52; N on US Forest Service Rd 52 to the Nisqually River; W down the Nisqually River to SR 7; S on Hwy 7 to US Hwy 12 at the town of Morton; E on US Hwy 12 to the Silver Creek bridge and point of beginning.

GMU 513-SOUTH RAINIER (Lewis County):
Beginning on US Hwy 12 at the Silver Creek bridge; N up Silver Creek to Silverbrook Rd; E on Silverdale Rd to US Forest Service Rd 47; N on US Forest Service Rd 47 to US Forest Service Rd 85; W and N on US Forest Service Rd 85 to US Forest Service Rd 52; W and N on US Forest Service Rd 52 to the Nisqually River; E up the Nisqually River to the southern boundary of Mount Rainier National Park; E along the south park boundary to the Pacific Crest Trail (US Forest Service Trail 2000); S along the Pacific Crest Trail (US Forest Service Trail 2000) to US Hwy 12; W on US Hwy 12 to the Silver Creek bridge and point of beginning.

GMU 516-PACKWOOD (Lewis and Skamania counties):
Beginning at US Hwy 12 and Pacific Crest Trail at White Pass; S on Pacific Crest Trail (US Forest Service Trail 2000) to US Forest Service Trail 98 at Sheep Lake; W on US Forest Service Trail 98 to US Forest Service Rd 2160 at Walupt Lake; W on US Forest Service Rd 2160 to US Forest Service Rd 21; S and W on US Forest Service Rd 21 to US Forest Service Rd 23; S on US Forest Service Rd 23 to US Forest Service Trail 263; S and W on US Forest Service Trail 263 to US Forest Service Trail 261; S on US Forest Service Trail 261 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Rd 99; W on US Forest Service Rd 99 to US Forest Service Rd 26; N on US Forest Service Rd 26 to US Forest Service Rd 2612; W on US Forest Service Rd 2612 to US Forest Service Trail 217; N and W on US Forest Service Trail 217 to Weyerhaeuser 2600 line; Weyerhaeuser 2600 line to Weyerhaeuser 2658 line; N on Weyerhaeuser 2658 line to Rainier Timber (Campbell Group) 430 line; N on Rainier Timber 430 line to the Rainier Timber Mainline 400 line; N and E on Rainier Timber Mainline 400 line to Rainier Timber 300 line; E on Rainier Timber 300 line to Rainier Timber 271 line; N on Rainier Timber 271 line to the Cispus River; E on the Cispus River to US Forest Service Rd 25; N on US Forest Service Rd 25 to SR 131; N on SR 131 to US Hwy 12; E on US Hwy 12 to the Pacific Crest Trail (US Forest Service Trail 2000) at White Pass and beginning.

GMU 520-WINSTON (Cowlitz, Lewis and Skamania counties):
Beginning at the bridge at intersection of I-5 and the Cowlitz River; S down the Cowlitz River to the Toutle River; E up the Toutle River to the South Fork Toutle River; SE up South Fork Toutle River to Johnson Creek; NE up Johnson Creek to Weyerhaeuser 4400 line; N along Weyerhaeuser 4400 line to Weyerhaeuser 2421 line; N along Weyerhaeuser 2421 line to Weyerhaeuser 2400 line; NW along Weyerhaeuser 2400 line to Alder Creek; NW down Alder Creek to North Fork Toutle River; W down the North Fork Toutle River to the Green River; E up the Green River to US Forest Service Rd 2612; E on US Forest Service Rd 2612 to US Forest Service Trail 217; N and W on US Forest Service Trail 217 to Weyerhaeuser 2600 line; W on Weyerhaeuser 2600 line to Weyerhaeuser 2658 line; N on Weyerhaeuser 2658 line to Rainier Timber (Campbell Group) 430 line; N on Rainier Timber 430 line to Rainier Timber 400 Mainline; N and E on Rainier Timber 400 Mainline to Rainier Timber 100 Mainline; N on Rainier Timber 100 Mainline to Cowlitz River; W down the Cowlitz River to Riffe Lake; W along the south shore to the Swofford Pond outlet; W along the Swofford Pond outlet to Green Mountain Rd; W on Green Mountain Rd to Perkins Rd; SW on Perkins Rd to Longbell Rd; W on Longbell Rd to Winston Creek Rd; NW on Winston Creek Rd to US Hwy 12; SW on US Hwy 12 to the Mayfield Lake bridge at Mayfield Lake; SW down the south shore of Mayfield Lake to the Cowlitz River at Mayfield Dam; SW down the Cowlitz River to I-5 bridge crossing the Cowlitz River and point of beginning.

GMU 522-LOO-WIT (Cowlitz and Skamania counties):
Beginning on the North Fork Toutle River at the mouth of Hoffstadt Creek; SE up the North Fork Toutle River to Deer Creek; SE up Deer Creek to Weyerhaeuser 3020 line; NW along Weyerhaeuser 3020 line to Weyerhaeuser 3000 line; E along Weyerhaeuser 3000 line to US Forest Service Trail 216G; SE along US Forest Service Trail 216G to the intersection of US Forest Service Trail 238 and US Forest Service Trail 216; S on US Forest Service Trail 238 to South Fork of the Toutle River; E along South Fork Toutle River to its headwaters and Mount St. Helens crater's edge; E along the Mount St. Helens crater's southern edge to the headwaters of Ape Canyon Creek; NE down Ape Canyon Creek to US Forest Service Trail 225 (Smith Creek Trail); N and NW on US Forest Service Trail 225 (Smith Creek Trail) to US Forest Service Rd 99; NE along US Forest Service Rd 99 to US Forest Service Rd 26; N on US Forest Service Rd 26 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Trail 214; NW on US Forest Service Trail 214

to US Forest Service Trail 211; W on US Forest Service Trail 211 to Coldwater Creek; W down Coldwater Creek to Coldwater Lake; SW along the northwest shore of Coldwater Lake to the outlet of Coldwater Lake; SW down the outlet stream from Coldwater Lake to SR 504 bridge at mile post 45; W on SR 504 to Hoffstadt Creek Bridge on Hoffstadt Creek; S and W down Hoffstadt Creek to the North Fork Toutle River and point of beginning.

GMU 524-MARGARET (Cowlitz, Skamania and Lewis counties):

Beginning on the North Fork Toutle River at the mouth of the Green River; SE up the North Fork Toutle River to the mouth of Hoffstadt Creek; N and E up Hoffstadt Creek to the SR 504 bridge over Hoffstadt Creek; E on SR 504 to the bridge over the outlet to Coldwater Lake at mile post 45; NE up the outlet stream of Coldwater Lake to Coldwater Lake; NE along the northwest shoreline of Coldwater Lake to Coldwater Creek inlet; E up Coldwater Creek to US Forest Service Trail 211; NE on US Forest Service Trail 211 to US Forest Service Trail 214; SE on US Forest Service Trail 214 to US Forest Service Trail 1; E on US Forest Service Trail 1 to US Forest Service Rd 26; N on the US Forest Service Rd 26 (Ryan Lake Rd) to US Forest Service Rd 2612; W on US Forest Service Rd 2612 to the Green River; W down the Green River to its mouth on the North Fork of the Toutle River and point of beginning.

GMU 530-RYDERWOOD (Cowlitz, Lewis and Wahkiakum counties):

Beginning at Stevens Rd and SR 6, south of the town of Doty; E on SR 6 to I-5 at the town of Chehalis; S on I-5 to the Cowlitz River; S along the Cowlitz River to Public Hwy 10 on the A Street bridge at the town of Castle Rock; W on the Public Hwy 10 to Growler's Gulch Rd; W on Growler's Gulch Rd to Weyerhaeuser 9312 line; W on Weyerhaeuser 9312 line to three power lines; S on the three power lines to Delameter Rd; SW on Delameter Rd to Woodside Dr; SW on Woodside Dr to International Paper Rd 2200; N and W on International Paper Rd 2200 to International Paper Rd 1050; W on International Paper Rd 1050 to International Paper Rd 1000; S on International Paper Rd 1000 to the Germany Creek Rd; S on the Germany Creek Rd to SR 4; W on SR 4 to Germany Creek; S along Germany Creek to its mouth at the Columbia River; W along the Columbia River to Skamokawa Creek (including all islands in the Columbia River which are both north of the Washington state line and between Skamokawa Creek and Germany Creek); NE up Skamokawa Creek to SR 4; E on SR 4 to Risk Rd; SE on Risk Rd to Foster Rd; S on Foster Rd to the Elochoman River; SE up the Elochoman River to SR 407 (Elochoman Valley Rd); NE on SR 407 (Elochoman Valley Rd) to Weyerhaeuser 500 line at Camp 2; NW on Weyerhaeuser 500 line to Weyerhaeuser 1800 line; N on Weyerhaeuser 1800 line to Weyerhaeuser 1000 line; N on Weyerhaeuser 1000 line to Muller Rd; N on Muller Rd to 3rd St South in the town of Pe Ell; N on 3rd St South to SR 6 at the town of Pe Ell; N on SR 6 to Stevens Rd, south of the town of Doty, and the point of beginning.

GMU 550-COWEEMAN (Cowlitz County):

Beginning at the mouth of the Toutle River on the Cowlitz River; E along the Toutle River to the South Fork Toutle River; up the South Fork Toutle River to Weyerhaeuser 4100 line; E on Weyerhaeuser 4100 line to Weyerhaeuser 4950 line; S and E on Weyerhaeuser 4950 line to Weyerhaeuser 235 line; SE on Weyerhaeuser 235 line to Weyerhaeuser 200 line; W on Weyerhaeuser 200 line to Weyerhaeuser 240 line; SE on Weyerhaeuser 240 line to Weyerhaeuser 234 line; E on Weyerhaeuser [234] [243] line to Weyerhaeuser 135A line; S on Weyerhaeuser 135A line to Weyerhaeuser 135 line; E on Weyerhaeuser 135 line to Weyerhaeuser 134 line; SW on Weyerhaeuser 134 line to Weyerhaeuser 133 line; SW on Weyerhaeuser 133 line to Weyerhaeuser 130 line; SW on Weyerhaeuser 130 line to Weyerhaeuser 1680 line; W on Weyerhaeuser 1680 line to Weyerhaeuser 1600 line; SE on Weyerhaeuser 1600 line to Weyerhaeuser 1400 line; W on Weyerhaeuser 1400 line to Weyerhaeuser 1420 line which is the Kalama/Coweeman Summit; SE on Weyerhaeuser 1420 line to Weyerhaeuser 1426 line; W on Weyerhaeuser 1426 line to Weyerhaeuser 1428 line; SW on Weyerhaeuser 1428 line to Weyerhaeuser 1429 line which turns into Weyerhaeuser 6400 line; SW down Weyerhaeuser 6400 line to Weyerhaeuser 6000 line; E on Weyerhaeuser 6000 line to Weyerhaeuser 6450 line; SE for approximately one mile on Weyerhaeuser 6450 line (crossing the Kalama River) to Weyerhaeuser 6452 line; SE on Weyerhaeuser 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; W on SR 503 to Cape Horn Creek; SE down Cape Horn Creek to Merwin Reservoir; SW along the north shore of Merwin Reservoir to the Lewis River; SW down the Lewis River to the power transmission lines in Section 4, T5N, R2E; NW along the power transmission lines to Northwest Natural Gas Pipeline located east of the town of Kalama, approximately 1/2 mile east of China Gardens Rd; N up the Natural Gas Pipeline right of way to Ostrander Creek; W down Ostrander Creek to the Cowlitz River; N on the Cowlitz River to the Toutle River and point of beginning.

GMU 554-YALE (Cowlitz and Clark counties):

Beginning on SR 503 at its crossing of Cape Horn Creek; E on SR 503 to Weyerhaeuser 6600 line (Rock Creek Rd); NE on Weyerhaeuser 6600 line (Rock Creek Rd) to Weyerhaeuser 6690 Rd; N and E on Weyerhaeuser 6690 line to Weyerhaeuser 6696 line; N on Weyerhaeuser 6696 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of the Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to Dog Creek; S down Dog Creek to Yale Reservoir; S and W along western shore of Reservoir to Yale Dam and the North Fork Lewis River; W along the northern shore of the North Fork Lewis River to State Route 503 bridge crossing; S and W along SR 503 to N.E. 221st Ave; N about 1/4 mile on N.E. 221st Ave to N.E. Cedar Creek Rd; W along N.E. Cedar Creek Rd to N.E. Pup Creek Rd; N on N.E. Pup Creek Rd to N.E. Buncome Hollow Rd; N about 1/4 mile on N.E. Buncome Hollow Rd to electrical transmission line; S and W on the electrical transmission line to the north shore of the North Fork Lewis River; NE along the north shore of the North Fork Lewis River to Merwin Reservoir at the Merwin Dam; NE along the north shore of Merwin Reservoir to Cape Horn Creek; NW up Cape Horn Creek to SR 503 and the point of beginning.

GMU 556-TOUTLE (Cowlitz County):

Beginning on the intersection of SR 503 (Lewis River Rd) and US Forest Service Rd 81 (Merrill Lake Rd); N on US Forest Service Rd 81 to Weyerhaeuser 7200 line; NW on Weyerhaeuser 7200 line to Weyerhaeuser 7400 line; N on Weyerhaeuser 7400 line to Weyerhaeuser 5500 line; E and N on Weyerhaeuser 5500 line to Weyerhaeuser 5670 line; N and E on Weyerhaeuser 5670 line to Weyerhaeuser 5660 line; N on Weyerhaeuser 5660 line about a 1/4 mile to the South Fork Toutle River; E on the South Fork Toutle River to US Forest Service Trail 238; N on US Forest Service Trail 238 to the intersection of US Forest Service Trail 216 and US Forest Service Trail 216G; NW on US Forest Service Trail 216G to Weyerhaeuser 3000 line; W on Weyerhaeuser 3000 line to Weyerhaeuser 3020 line; SE on Weyerhaeuser 3020 line to Deer Creek; NW down Deer Creek to the North Fork Toutle River; down the North Fork Toutle River to Alder Creek; up Alder Creek to Weyerhaeuser 2400 line; S on Weyerhaeuser 2400 line to Weyerhaeuser 2421 line; S on Weyerhaeuser 2421 line to Weyerhaeuser 4400 line; S and W along Weyerhaeuser 4400 line to Johnson Creek; S along Johnson Creek to the South Fork Toutle River; SE up the South Fork Toutle River to Weyerhaeuser 4100 line; E on Weyerhaeuser 4100 line to the Weyerhaeuser 4950 line; S and E on Weyerhaeuser 4950 line to Weyerhaeuser 235 line; SE on Weyerhaeuser 235 line to Weyerhaeuser 200 line; W on Weyerhaeuser 200 line to Weyerhaeuser 240 line; SE on Weyerhaeuser 240 line to Weyerhaeuser 234 line; E on Weyerhaeuser 234 line to Weyerhaeuser 135A line; S on Weyerhaeuser 135A line to Weyerhaeuser 135 line; E on Weyerhaeuser 135 line to Weyerhaeuser 134 line; SW on Weyerhaeuser 134 line to Weyerhaeuser 133 line; SW on Weyerhaeuser 133 line to Weyerhaeuser 130 line; SW on Weyerhaeuser 130 line to Weyerhaeuser 1680 line; W on Weyerhaeuser 1680 line to Weyerhaeuser 1600 line; SE on Weyerhaeuser 1600 line to Weyerhaeuser 1400 line; W on Weyerhaeuser 1400 line to Weyerhaeuser 1420 line which is the Kalama/Coweeman Summit; SE on Weyerhaeuser 1420 line to Weyerhaeuser 1426 line; W on Weyerhaeuser 1426 line to Weyerhaeuser 1428 line; SW on Weyerhaeuser 1428 line to Weyerhaeuser 1429 line; SW on Weyerhaeuser 1429 line to Weyerhaeuser 6400 line; SW on Weyerhaeuser 6400 line to Weyerhaeuser 6000 line; E on Weyerhaeuser 6000 line to Weyerhaeuser 6450 line; SE for approximately one mile on Weyerhaeuser 6450 line (crossing the Kalama River) to Weyerhaeuser 6452 line; SE on Weyerhaeuser 6452 line to Dubois Rd; SE on Dubois Rd to SR 503; E on SR 503 to Weyerhaeuser 6600 line (Rock Creek Rd); NE on Weyerhaeuser 6600 line (Rock Creek Rd) to Weyerhaeuser 6690 Rd; N and E on Weyerhaeuser 6690 line to Weyerhaeuser 6696 line; N on Weyerhaeuser 6696 line to West Fork Speelyai Creek; SE down West Fork Speelyai Creek to the main stem of Speelyai Creek; SW and SE down Speelyai Creek to SR 503; NE on SR 503 to US Forest Service Rd 81 and point of beginning.

GMU 558-MARBLE (Cowlitz and Skamania counties):

Beginning on SR 503 (Lewis River Rd) and the US Forest Service Rd 81 intersection; N on US Forest Service Rd 81 to Weyerhaeuser 7200 line; NE on Weyerhaeuser 7200 line to Weyerhaeuser 7400 line; NW on Weyerhaeuser 7400 line to Weyerhaeuser 5500 line; E and N on Weyerhaeuser 5500 line to Weyerhaeuser 5670 line; N and E on Weyerhaeuser 5670 line to Weyerhaeuser 5660 line; N on Weyerhaeuser 5660 line about 1/4 mile to the South Fork Toutle River; E along South Fork Toutle River to its headwaters and Mount St. Helens crater's edge; E along the Mount St. Helens crater's southern edge to the headwaters of Ape Canyon Creek; NE down Ape Canyon Creek to the US Forest Service Trail 225 (Smith Creek Trail); N and NW on US Forest Service Trail 225 (Smith Creek Trail) to US Forest Service Rd 99; NE on US Forest Service Rd 99 to US Forest Service Trail 1; S and E on US Forest Service Trail 1 to US Forest Service Rd 25; S on US Forest Service Rd 25 to the Muddy River; S down the Muddy River to the North Fork Lewis River; W down the North Fork Lewis River to the Swift Reservoir; W along the north shore of the Swift Reservoir to Swift Dam and the Lewis River; W down the Lewis River to Yale Reservoir; W along the north shore of the Yale Reservoir to the mouth of Dog Creek; N up Dog Creek to SR 503; SW on SR 503 to US Forest Service Rd 81 and point of beginning.

GMU 560-LEWIS RIVER (Skamania, Klickitat, Yakima and Lewis counties):

Beginning on SR 141 and Mount Adams Recreational Area Rd at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service Rd 80 (Mount Adams Recreational Area Rd); N on US Forest Service Rd 80 (Mount Adams Recreational Area Rd) to US Forest Service Rd 82 (Mount Adams Recreational Area Rd); N on US Forest Service Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); N along the Yakama Indian reservation boundary (Cascade Mountain Range Crest) to US Forest Service Trail 2000 (Pacific Crest Trail) in Section 3, T11N, R11E; S on US Forest Service Trail 2000 (Pacific Crest Trail) to US Forest Service Trail 98 at Sheep Lake; W on US Forest Service Trail 98 to US Forest Service Rd 2160 at Walupt Lake; W on US Forest Service Rd 2160 to US Forest Service Rd 21; S and W on US Forest Service Rd 21 to US Forest Service Rd 23; S on US Forest Service Rd 23 to US Forest Service Trail 263; S and W on US Forest Service Trail 263 to US Forest Service Trail 261; S on US Forest Service Trail 261 to US Forest Service Trail 1; W on US Forest Service Trail 1 to US Forest Service Rd 25; S on US Forest Service Rd 25 to the Muddy River; S down the Muddy River to the North Fork Lewis River; W down the North Fork Lewis River to US Forest Service Rd 90 bridge (Eagle Cliff); E on US Forest Service Rd 90 to US Forest Service Rd 51 (Curly Creek Rd); SE on US Forest Service Rd 51 (Curly Creek Rd) to US Forest Service Rd 30; NE on US Forest Service Rd 30 to US Forest Service Rd 24; SE on US Forest Service Rd 24 to SR 141; NE on SR 141 to Mount Adams Recreational Area Rd, at the town of Trout Lake and point of beginning.

GMU 564-BATTLE GROUND (Clark, Skamania, and Cowlitz counties):

Beginning at the mouth of Ostrander Creek on the Cowlitz River; E up Ostrander Creek approximately 1 1/2 miles to the second Northwest Natural Gas Pipeline right of way crossing Ostrander Creek, east of the railroad crossing; S along the Northwest Natural Gas Pipeline right of way to the power transmission lines right of way located east of the town of Kalama, approximately 1/2 mile east of China Garden Rd; SE along the power transmission lines right of way across the north fork of the Lewis River in the northeast corner of Sec-

tion 4, T5N, R2E to N.E. Buncome Hollow Rd; S on N.E. Buncome Hollow Rd to N.E. Pup Creek Rd; S on N.E. Pup Creek Rd to N.E. Cedar Creek Rd; E on N.E. Cedar Creek Rd to 221st Ave; S along 221st Ave about 1/4 mile to SR 503; SE along SR 503 to N.E. Amboy Rd; S on N.E. Amboy Rd to N.E. Yacolt Rd; E on Yacolt Rd to Railroad Ave; SE on Railroad Ave to Lucia Falls Rd; W on Lucia Falls Rd to Hantwick Rd; SE on Hantwick Rd to Basket Flats Rd; W on Basket Flats Rd to N.E. 197th Ave; S on N.E. 197th Ave to N.E. 279th St; W on N.E. 279th St to N.E. 182nd Ave; S on N.E. 182nd Ave to N.E. 259th St; E on N.E. 259th St to N.E. 220th Ave; S on N.E. 220th Ave to N.E. Cresap Rd; SE on N.E. Cresap Rd to N.E. 222nd Ave; S on N.E. 222nd Ave to N.E. Allworth Rd; E on N.E. Allworth Rd to NE 232nd Ave; S on N.E. 232nd Ave to N.E. 237th St; E on N.E. 237th St to N.E. 240th Ave; S on N.E. 240th Ave to N.E. Berry Rd; NE on N.E. Berry Rd to the DNR L-1410 Rd; SE on L-1410 Rd to the DNR L-1400 Rd; W on L-1400 Rd to N.E. Rawson Rd; W on N.E. Rawson Rd to N.E. Powell Rd; SW on N.E. Powell Rd to N.E. 212th Ave; S on N.E. 212th Ave to N.E. 109th St; E on N.E. 109th St to N.E. 222nd Ave; S on N.E. 222nd Ave to N.E. 83rd St; W on N.E. 83rd St to N.E. 217th Ave; S on N.E. 217th Ave to N.E. 68th St; E on N.E. 68th St to N.E. 232nd Ave; S on N.E. 232nd Ave to SR 500; SE on SR 500 to N.E. 53rd St; E on N.E. 53rd St to N.E. 292nd Ave; S on N.E. 292nd Ave to N.E. Ireland Rd; E on N.E. Ireland Rd to N.E. Stauffer Rd; SW on N.E. Stauffer Rd to N.E. 292nd Ave; S on N.E. 292nd Ave to N.E. Reilly Rd; SW on N.E. Reilly Rd to N.E. Blair Rd; SE on N.E. Blair Rd to N.E. Zeek Rd; E on N.E. Zeek Rd to N.E. 10th St; E on N.E. 10th St to N.E. 312th Ave; S on N.E. 312th Ave to N.E. 9th St; E on N.E. 9th St to N.E. 322nd Ave; N on N.E. 322nd Ave to N.E. Ammeter Rd; NE on N.E. Ammeter Rd approximately 1/8th mile to the power transmission lines; E along the northern margin of the power transmission lines to N.E. Hughes Rd; N on N.E. Hughes Rd to N.E. 392nd Ave; N on N.E. 392nd Ave to N.E. 28th St; E on N.E. 28th St to N.E. Miller Rd; NE on N.E. Miller Rd to N.E. 39th St; E on N.E. 39th St to Skye Rd; SE on Skye Rd to Washougal River Rd; S on Washougal River Rd to SR 140; SE on SR 140 to Cape Horn Rd; S on Cape Horn Rd to Columbia River; W down the Columbia River to the Cowlitz River (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and the Cowlitz River); N along Cowlitz River to Ostrander Creek and point of beginning.

GMU 568-WASHOUGAL (Clark and Skamania counties):

Beginning on the Lewis River at SR 503; E on Lewis River (Cowlitz-Clark County line) to Canyon Creek; SE along Canyon Creek to N.E. Healy Rd; E on N.E. Healy Rd to US Forest Service Rd 54; E on US Forest Service Rd 54 to US Forest Service Rd 37; NW on US Forest Service Rd 37 to US Forest Service Rd 53; S on US Forest Service Rd 53 to US Forest Service Rd 4205 (Gumboat Rd); S on US Forest Service Rd 4205 to US Forest Service Rd 42 (Green Fork Rd); SW on US Forest Service Rd 42 to US Forest Service Rd 41 at Sunset Falls; E on US Forest Service Rd 41 to US Forest Service Rd 406 at Little Lookout Mountain; SE on US Forest Service Rd 406 to the boundary of the Gifford Pinchot National Forest; due E on the national forest boundary to Rock Creek; SE along Rock Creek to the Columbia River at the town of Stevenson; W down the Columbia River to the Cape Horn Rd (including all islands in the Columbia River which are both on the Washington side of the state line and between Cape Horn Rd and Rock Creek); N on Cape Horn Rd to SR 140; W on SR 140 to Washougal River Rd; E on Washougal River Rd to Skye Rd; NW on Skye Rd to N.E. 39th St; W on N.E. 39th St to N.E. Miller Rd; SW on N.E. Miller Rd to N.E. 28th St; W on N.E. 28th St to N.E. 392nd Ave; S on N.E. 392nd Ave to N.E. Hughes Rd; S on N.E. Hughes Rd approximately 1/8th mile to the power transmission lines; W along the northern margin of the power transmission lines to N.E. Ammeter Rd; SW on N.E. Ammeter Rd to N.E. 322nd Ave; S on N.E. 322nd Ave to N.E. 9th St; W on N.E. 9th St to N.E. 312th Ave; N on N.E. 312th Ave to N.E. 10th St; W on N.E. 10th St to N.E. Zeek Rd; W on N.E. Zeek Rd to N.E. Blair Rd; NW on N.E. Blair Rd to N.E. Reilly Rd; NE on N.E. Reilly Rd to N.E. 292nd Ave; NE on N.E. 292nd Ave to N.E. Stauffer Rd; NE on N.E. Stauffer Rd to N.E. Ireland Rd; W on N.E. Ireland Rd to N.E. 292nd Ave; N on N.E. 292nd Ave to N.E. 53rd St; W on N.E. 53rd St to SR 500; NW on SR 500 to N.E. 232nd Ave; N on N.E. 232nd Ave to N.E. 68th St; W on N.E. 68th St to N.E. 217th Ave; N on N.E. 217th Ave to N.E. 83rd St; E on N.E. 83rd St to N.E. 222nd Ave; N on N.E. 222nd Ave to NE 109th St; W on N.E. 109th St to N.E. 212th Ave; N on N.E. 212th Ave to N.E. Powell Rd; NE on N.E. Powell Rd to N.E. Rawson Rd; E on Rawson Rd to DNR L-1400 Rd; E on DNR L-1400 Rd to DNR L-1410 Rd; NW on DNR L-1410 Rd to N.E. Berry Rd; SW on N.E. Berry Rd to N.E. 240th Ave; N on N.E. 240th Ave to N.E. 237th St; W on N.E. 237th St to N.E. 232nd Ave; N on N.E. 232nd Ave to N.E. Allworth Rd; W on N.E. Allworth Rd to N.E. 222nd Ave; N on N.E. 222nd Ave to N.E. Cresap Rd; NW on N.E. Cresap Rd to N.E. 220th Ave; N on N.E. 220th Ave to N.E. 259th St; W on N.E. 259th St to N.E. 182nd Ave; N on N.E. 182nd Ave to N.E. 279th St; E on N.E. 279th St to N.E. 197th Ave; N on N.E. 197th Ave to N.E. Basket Flats Rd; E on N.E. Basket Flats Rd to N.E. Hantwick Rd; NW on N.E. Hantwick Rd to Lucia Falls Rd; E on Lucia Falls Rd to Railroad Ave; NW on Railroad Ave to N.E. Yacolt Rd; W on N.E. Yacolt Rd to N.E. Amboy Rd; N on N.E. Amboy Rd to N.E. 221st Ave; N on 221st Ave to SR 503; NE along SR 503 to the Lewis River and point of beginning.

GMU 572-SIOUXON (Skamania and Clark counties):

Beginning at the Yale Dam at Yale Lake; N then E along the shore of Yale Lake to the Lewis River; NE along the Lewis River to Swift Reservoir; E along the north shore Swift Reservoir to US Forest Service Rd 90 at the Eagle Cliff bridge; E on US Forest Service Rd 90 to US Forest Service Rd 51 (Curly Creek Rd); SE on US Forest Service Rd 51 to US Forest Service Rd 30 (Wind River Rd); N on US Forest Service Rd 30 to US Forest Service Rd 24 (Twin Butte Rd); S on US Forest Service Rd 24 to US Forest Service Rd 60 (Carson Guler Rd); SW on US Forest Service Rd 60 to US Forest Service Rd 65; SW on US Forest Service Rd 65 to the Wind River Rd; NW on the Wind River Rd to Hemlock Rd at the town of Stabler; W on Hemlock Rd to US Forest Service Rd 41 (Sunset-Hemlock Rd); W on the US Forest Service Rd 41 to US Forest Service Road 42 (Green Fork Rd) at Sunset

Falls; NE on US Forest Service Rd 42 to US Forest Service Rd 4205 (Gumboat Rd); N on US Forest Service Rd 4205 to US Forest Service Rd 53; NW on US Forest Service Rd 53 to US Forest Service Rd 54 (N.E. Healy Rd); W on US Forest Service Rd 54 to Canyon Creek; N down Canyon Creek to the Lewis River; NE up the Lewis River to the Yale Dam and the point of beginning.

GMU 574-WIND RIVER (Skamania and Klickitat counties):
Beginning at SR 141 and US Forest Rd 86, SW of the town of Trout Lake; S on US Forest Service Rd 86 to US Forest Service Rd 1840; S on US Forest Service Rd 1840 to US Forest Service Rd 18 (Oklahoma Rd); S on US Forest Service Rd 18 to Willard Rd, at the town of Willard; E on Willard Rd to the Little White Salmon River; S down the Little White Salmon River to the Columbia River; W down the Columbia River to the mouth of Rock Creek (including all islands in the Columbia River that are both north of the Washington state line and between the Little White Salmon River and Rock Creek); NW along Rock Creek through the town of Stevenson to the southern boundary of the Gifford Pinchot National Forest; W along the southern boundary of the Gifford Pinchot National Forest to US Forest Service Rd 4100-406; NW on US Forest Service Rd 4100-406 to the US Forest Service Rd 41 (Sunset-Mowich Rd) at Little Lookout Mountain; E on US Forest Service Rd 41 to Hemlock Rd; E on Hemlock Rd to Wind River Rd at the town of Stabler; SE on Wind River Rd to Old State Rd; E on Old State Rd to US Forest Service Rd 65 (Panther Creek Rd); N on US Forest Service Rd 65 to US Forest Service Road 60 (Carson-Guler); NE on US Forest Service 60 to US Forest Service 24 (also called Carson-Guler); E on US Forest Service Rd 24 to SR 141; NE, E and SE on SR 141 to US Forest Service Rd 86, SW of the town of Trout Lake, and the point of beginning.

GMU 578-WEST KLICKITAT (Klickitat, Yakima, and Skamania counties):
Beginning at the mouth of the Little White Salmon River on the Columbia River; N up the Little White Salmon River to Willard Road bridge, E of Willard; W on Willard Rd to US Forest Service Rd 18 (Oklahoma Rd); N on US Forest Service Rd 18 to US Forest Service 1840; N on US Forest Service Rd 1840 to US Forest Service Rd 86; N on US Forest Service Road 86 to SR 141; NE on SR 141 to Mount Adams Recreation Area Road, at the town of Trout Lake; N on the Mount Adams Recreational Area Rd to US Forest Service Rd 80 (Mount Adams Recreational Area Rd); N on US Forest Service Rd 80 (Mount Adams Recreational Area Rd) to US Forest Service Rd 82 (Mount Adams Recreational Area Rd); N on US Forest Service Road 82 to Yakama Indian Reservation boundary (Section 16, T7N, R11E); S along the Yakama Indian Reservation boundary to the Reservation's SW corner at King Mountain (Section 27, T7N, R11E); E along the Yakama Indian Reservation boundary to the end of King Mountain Rd, about 1 mile; N along the Yakama Indian Reservation boundary to its corner in Section 2, T7N, R11E; E along the Yakama Indian Reservation boundary to the NE corner of Section 4, T7N, R12E; SE along the Yakama Indian Reservation boundary to Summit Creek Rd; SW on Summit Creek Rd to Glenwood-Goldendale Hwy; NW on Glenwood-Goldendale Hwy to Lakeside Rd; S on Lakeside Rd to Fisher Hill Rd (P-2000); S on Fisher Hill Rd to the Fisher Hill bridge crossing the Klickitat River; S and SW down the Klickitat River to the Columbia River; W down the Columbia River to the mouth of the Little White Salmon River and the point of beginning (including all islands in the Columbia River which are both north of the Washington state line and between the Klickitat River and the Little White Salmon River).

GMU 588-GRAYBACK (Klickitat County):
Beginning at the US Hwy 97 bridge crossing the Columbia River; W down the Columbia River to the mouth of the Klickitat River at the town of Lyle (including all islands in the Columbia River which are both north of the Washington state line and between the US Hwy 97 bridge and the Klickitat River); N up the Klickitat River to the Fisher Hill Rd (P-2000) at the Fisher Hill bridge; N along Fisher Hill Rd to Lakeside Rd; S on Lakeside Rd to Glenwood-Goldendale Hwy; E and SE on Glenwood-Goldendale Hwy to Summit Creek Rd; NE on Summit Creek Rd to the Yakama Indian Reservation; E along the southern boundary of the Yakama Indian Reservation to US Hwy 97 (Satus Pass Hwy); S on US Hwy 97 to US Hwy 97 bridge crossing the Columbia River and point of beginning.

[Statutory Authority: RCW 77.12.047. 03-16-087 (Order 03-175), § 232-28-335, filed 8/5/03, effective 9/5/03; 03-06-110 (Order 03-23), § 232-28-335, filed 3/5/03, effective 4/5/03.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 232-28-336 Game management units (GMUs) boundary descriptions—Region six.

GMU 601-HOKO (Clallam County):
Beginning on the Makah Indian reservation boundary and the Strait of Juan de Fuca; SE along the shore of the Strait of Juan de Fuca to the mouth of the Hoko River; S along the Hoko River to SR 112; SE on SR 112 to the Hoko-Ozette Rd; SW on the Hoko-Ozette Rd to the Olympic National Park boundary near Ozette; N along the Olympic National Park boundary to the Makah Indian reservation boundary; E and N along the Makah Indian reservation boundary to the Strait of Juan de Fuca and the point of beginning.

GMU 602-DICKEY (Clallam County):
Beginning at the mouth of the Hoko River and the Strait of Juan de Fuca; SE along the shore of the Strait of Juan de Fuca to the mouth of the Clallam River; S along the Clallam River to SR 112; S on SR 112 to the Burnt Mountain Rd (SR 113); S on the Burnt Mountain Rd (SR 113) to US Hwy 101 at the town of Sappho; SW on US Hwy 101 to the LaPush Rd; SW on the LaPush Rd to the Olympic National Park boundary; N along the Olympic National Park boundary to the Hoko-Ozette Rd; NE on the Hoko-Ozette Rd to SR 112; NW on SR 112 to the Hoko River; NW on the Hoko River to its mouth on the Strait of Juan De Fuca and the point of beginning.

GMU 603-PYSHT (Clallam County):
Beginning at the mouth of the Clallam River on Strait of Juan de Fuca; E along the shore of the Strait of Juan de Fuca to the mouth of the Elwha River; S along the Elwha River to the Olympic National Park boundary; W along the Olympic

National Park boundary to one mile west of Lake Crescent; S on the Olympic National Park boundary to US Hwy 101; W on US Hwy 101 to the Burnt Mountain Rd (SR 113); N on the Burnt Mountain Rd (SR 113) to SR 112; N on SR 112 to the Clallam River; N along the Clallam River to its mouth and the point of beginning, EXCEPT Private Lands Wildlife Management Area 600, Merrill and Ring.

GMU 607-SOL DUC (Clallam County):
Beginning at US Hwy 101 at the town of Sappho; E on US Hwy 101 to the Olympic National Park boundary; S and W along the Olympic National Park boundary to the Bogachiel River; W along the Bogachiel River to US Hwy 101; N on US Hwy 101, through the town of Forks, to the town of Sappho and the point of beginning.

GMU 612-GOODMAN (Jefferson and Clallam counties):
Beginning approximately two miles east of the town of LaPush on the Olympic National Park boundary and LaPush Rd intersection; NE on LaPush Rd to US Hwy 101 at the town of Forks; S on US Hwy 101, across the Hoh River, and west to Olympic National Park Boundary; N on the Olympic National Park boundary to LaPush Rd and the point of beginning.

GMU 615-CLEARWATER (Jefferson County):
Beginning on US Hwy 101 and the Bogachiel River; E along the Bogachiel River to the Olympic National Park boundary; SE and W on the Olympic National Park boundary to the Quinault Indian reservation boundary; W on the Quinault Indian reservation boundary to the Olympic National Park boundary; N along the Olympic National Park boundary to US Hwy 101; E, N, and W on US Hwy 101 to the Bogachiel River and the point of beginning.

GMU 618-MATHENY (Jefferson and Grays Harbor counties):
Beginning at the boundary junction of Olympic National Park and the Quinault Indian reservation, east of the Queets River Rd; N, E, S, and W along the Olympic National Park boundary to the park and Quinault Indian reservation boundary junction north of Lake Quinault; NW along the Quinault Indian reservation boundary to its junction with the boundary of Olympic National Park, east of the Queets River Rd, and the point of beginning, including the Olympic National Forest land and private land one mile west of Lake Quinault and bounded by the Olympic National Park and the Quinault Indian reservation.

GMU 621-OLYMPIC (Jefferson, Clallam and Mason counties):
Beginning at the Olympic National Park boundary and the Elwha River; N along the Elwha River to US Hwy 101; E on US Hwy 101, through Port Angeles and Sequim, to the Chimacum Center Rd at the town of Quilcene; N on the Chimacum Center Rd to the East Quilcene Rd; E on the East Quilcene Rd to Quilcene Bay; S along the shore of Quilcene Bay to Dabob Bay; S along the shore of Dabob Bay to Hood Canal; SW along the shore of Hood Canal to Finch Creek; upstream on Finch Creek to US Hwy 101; S on US Hwy 101 to SR 119; W on SR 119 to Standstill Dr (Power Dam Rd); W on Standstill Dr (Power Dam Rd) to Upper Cushman Dam and the shore of Lake Cushman; NW on the west shore of Lake Cushman to the North Fork Skokomish River; N along the North Fork Skokomish River to the Olympic National Park boundary; N and W on the Olympic National Park boundary to the Elwha River and the point of beginning.

GMU 624-COYLE (Clallam and Jefferson counties):
Beginning at the mouth of the Elwha River and the Strait of Juan de Fuca; north from the mouth of the Elwha River to the Clallam county line in the Strait of Juan De Fuca; NE on the Clallam county line to Clallam-San Juan county line; NE on the Clallam-San Juan county line to the Jefferson-San Juan county line; NE on the Jefferson-San Juan county line to the Jefferson-Island county line; S then SE on the Jefferson-Island county line to the Kitsap-Island county line; SE on the Kitsap-Island county line to a point due east of Point No Point; W from the Kitsap-Island county line to Point No Point; NW, S, N, and SW along the coast of the Kitsap peninsula to Cougar Spit; W from Cougar Spit to Finch Creek at the town of Hoodsport; NE along the east shore of Hood Canal to Dabob Bay; N along the shore of Dabob Bay and Quilcene Bay to East Quilcene Rd; W on East Quilcene Rd to the Chimacum Center Rd; S on Chimacum Center Rd to US Hwy 101; N and W on US Hwy 101 through Sequim and Port Angeles to the Elwha River; N down the Elwha River to its mouth and the Strait of Juan de Fuca and the point of beginning.

GMU 627-KITSAP (Kitsap, Mason, and Pierce counties):
Beginning at the Hood Canal Bridge; E, S, N, and SE along the shore of the Kitsap peninsula to Point No Point; due E from Point No Point to Kitsap-Island county line in the Puget Sound; S along the Kitsap-Island county line to the Kitsap-Snohomish county line; S along the Kitsap-Snohomish county line to Kitsap-King county line; S along the Kitsap-King county line to the King-Pierce county line; S on the King-Pierce county line to the outlet of the Tacoma Narrows; S through the Tacoma Narrows, past Fox Island (which is included in this GMU), to Carr Inlet; NW up Carr Inlet around McNeil and Gertrude Islands (which are excluded from this GMU), to Pitt Passage; SW through Pitt Passage and Drayton Passage to the Pierce-Thurston county line in the Nisqually Reach; NW along the Pierce-Thurston county line to the Pierce-Mason county line; NW on the Pierce-Mason county line in the Nisqually Reach to North Bay; along the east shore of North Bay to SR 3 at the town of Allyn; N on SR 3 to the Old Belfair Hwy at the town of Belfair; N on the Old Belfair Hwy to the Bear Creek-Dewatto Rd; W on the Bear Creek-Dewatto Rd to the Dewatto Rd West; N along the Dewatto Rd to its intersection with the Albert Pfundt Rd; N on the Albert Pfundt Rd to Anderson Creek; E down Anderson Creek to the east shore of the Hood Canal; N from Anderson Creek along the east shore of Hood Canal to the Hood Canal bridge and the point of beginning.

GMU 633-MASON (Mason and Kitsap counties):
Beginning at the mouth of Anderson Creek on the eastern shore of Hood Canal; W along Anderson Creek to Albert Pfundt Rd; S on the Albert Pfundt Rd to West Dewatto Rd; S on West Dewatto Rd to Bear Creek-Dewatto Rd; E along Bear Creek-Dewatto Rd to Old Belfair Hwy; S on Old Belfair Hwy to SR 3 at the town of Belfair; S on SR 3 to North Bay at the town of Allyn; N along the west shore of North Bay; S

along the east shore of North Bay to Pierce-Mason county line at Case Inlet; SE along the Pierce-Mason county line through Case Inlet to the Mason-Thurston county line; W along the Mason-Thurston county line through Dana Passage, Squaxin Passage, and Totten Inlet to US Hwy 101 at Oyster Bay; N on US Hwy 101 Finch Creek at the town of Hoodsport; E from Finch Creek across Hood Canal to Cougar Spit on the east shore of the Hood Canal; N from Cougar Spit along the east shore of Hood Canal to the mouth of Anderson Creek and the point of beginning.

GMU 636-SKOKOMISH (Grays Harbor and Mason counties):
Beginning on the Olympic Park boundary and the North Fork Skokomish River; S along the North Fork Skokomish River to Lake Cushman; SE along the west shore of Lake Cushman to Standstill Dr (Power Dam Rd) at the Upper Cushman Dam; E on the Standstill Dr to SR 119; SE on Lake Cushman Rd to US Hwy 101 at the town of Hoodsport; S on US Hwy 101 to the Shelton-Matlock Rd at the town of Shelton; W on the Shelton-Matlock Rd to the Matlock-Brady Rd; S on the Matlock-Brady Rd to Deckerville Rd south of the town of Matlock; W on Deckerville Rd to Boundary Rd (Middle Satsop Rd); W and S on Boundary Rd (Middle Satsop Rd) to Kelly Rd; N on Kelly Rd to US Forest Service Rd 2368 (Simpson Timber 500 line); N on US Forest Service Rd 2368 (Simpson Timber 500 line) to US Forest Service Rd 2260 (Simpson Timber 600 line); W on US Forest Service Rd 2260 (Simpson Timber 600 line) to Wynoochee Rd (US Forest Service Rd 22); NW and W on US Forest Service Rd 22 (Wynoochee Rd) to US Forest Service Rd 2294, 1/4 mile east of Big Creek; NW on US Forest Service Rd 2294 which parallels Big Creek, to junction with US Forest Service Rd 2281; W on US Forest Service Rd 2281, to the watershed divide between the Humptulips River watershed and the Wynoochee River watershed; N on the ridge between the Humptulips River watershed and Wynoochee River watershed to Olympic National Park boundary; E along the Olympic National Park boundary to the north fork of the Skokomish River and the point of beginning.

GMU 638-QUINAULT RIDGE (Grays Harbor and Jefferson counties):
Beginning on the Olympic National Park boundary and the Quinault Indian reservation boundary at the northwest corner of Lake Quinault; NE along the west shore of Lake Quinault to the Quinault River; NE on the Olympic National Park boundary, along the Quinault River, to the Olympic National Park boundary west of Bunch Creek; S and NE on the Olympic National Park boundary to the ridge between the Wynoochee River watershed and Humptulips River watershed; S along the ridge between the Humptulips River watershed and the Wynoochee River watershed to its intersection with US Forest Service Rd 2281; E along US Forest Service Rd 2281 to US Forest Service Rd 2294; SE on US Forest Service Rd 2294, paralleling Big Creek, to US Forest Service Rd 22 (Donkey Creek Rd); W on the US Forest Service Rd 22 (Donkey Creek Rd) to US Hwy 101; N on US Hwy 101 to the Quinault Indian reservation boundary; NE on the reservation boundary to Lake Quinault; NW along the south shore of Lake Quinault to the Olympic National Park boundary and the point of beginning.

GMU 642-COPALIS (Grays Harbor County):
Beginning at the Quinault Indian reservation and US Hwy 101 south of Lake Quinault; S on US Hwy 101 to the Hoquiam River in the city of Hoquiam; S along the Hoquiam River to the north shore of Grays Harbor; W along the north shore of Grays Harbor to the Pacific Ocean; N along the shore of the Pacific Ocean to the Quinault Indian reservation boundary; E and NE along the Quinault Indian reservation to US Hwy 101 south of Lake Quinault and the point of beginning.

GMU 648-WYNOOCHEE (Grays Harbor County):
Beginning at the junction of US Hwy 101 and the Donkey Creek Rd; NE along the Donkey Creek Rd (US Forest Service Rd 22) to its junction with the Donkey Creek-Grisdale Rd; continuing E on this road (US Forest Service Rd 22) to Camp Grisdale (south of Wynoochee Lake); S along the Wynoochee Rd (US Forest Service Rd 22) to US Forest Service Rd 2260 (Simpson Timber 600 line); E on US Forest Service Rd 2260 (Simpson Timber 600 line) to US Forest Service Rd 2368 (Simpson Timber 500 line); S on US Forest Service Rd 2368 (Simpson Timber 500 line) to Kelly Rd; S on Kelly Rd to Boundary Rd (Middle Satsop Rd); S on Boundary Rd (Middle Satsop Rd) to Cougar Smith Rd; W on Cougar Smith Rd to the west fork of the Satsop River; S down the west fork Satsop River to the Satsop River; S down the Satsop River to US Hwy 12; W along US Hwy 12 to its junction with US Hwy 101 in the town of Aberdeen; SE along US Hwy 101 to the north shore of the Chehalis River; W along the north shore of the Chehalis River to the north shore of Grays Harbor; W along the north shore of Grays Harbor to the mouth of the Hoquiam River; N up the Hoquiam River to US Hwy 101; W and N along US Hwy 101 to its junction with the Donkey Creek Rd (US Forest Service Rd 22) and the point of beginning. INCLUDES Rennie Island.

GMU 651-SATSOP (Grays Harbor, Mason and Thurston counties):
Beginning at the US Hwy 12 bridge on the Satsop River; N up the Satsop River to its junction with the west fork of the Satsop River; N up the west fork of the Satsop River to Cougar Smith Rd; E on Cougar Smith Rd to Boundary Rd (Middle Satsop Rd); N and E on Boundary Rd (Middle Satsop Rd) to Deckerville Rd; E on Deckerville Rd to Matlock-Brady Rd; N on Matlock-Brady Rd to the town of Matlock; E on Shelton-Matlock Rd to its junction with US Hwy 101 west of the town of Shelton; S on US Hwy 101 to its junction with SR 8; W on SR 8 to its junction with US Hwy 12; W along US Hwy 12 to bridge over the Satsop River and the point of beginning.

GMU 652-PUYALLUP (Pierce and King counties):
Beginning at Redondo Junction on the shore of Puget Sound and Redondo Way South; SE on Redondo Way South to SR 509; E on SR 509 to Pacific Hwy South (Old Hwy 99) (SR 99); S on Pacific Hwy South to SR 18 at the city of Auburn; E on SR 18 to SR 164; SE on SR 164 to SR 410 (Chinook Pass Hwy) at the town of Enumclaw; E on SR 410 to the second set of power transmission lines near the Mud Mountain Dam Rd; SW on the power transmission lines to the White River; NW along the White River to the Campbell Group ownership line (Kapowsin Tree Farm) (along west line of

Section 6, T19N, R7E); W and S along the Campbell Group ownership line (Kapowsin Tree Farm) to South Prairie Creek (Section 14, T19N, R6E); S up South Prairie Creek to the first intersection with a power transmission line; SW on this power transmission line to Orville Rd East at the Puyallup River; S on Orville Rd East to SR 161; S on SR 161 to the Mashel River; down the Mashel River to the Nisqually River (Pierce-Thurston county line); NW along the Nisqually River, which is the Pierce-Thurston county line, to the Nisqually Reach in the Puget Sound; NW along the Thurston-Pierce county line in the Nisqually Reach to a point on the Thurston-Pierce county line southeast of Drayton Passage Channel; NE through Drayton Passage and Pitt Passage to Carr Inlet; E and S around McNeil Island to a point southwest of the Tacoma Narrows (including McNeil, Gertrude, Anderson and Ketron Islands); NE through the Tacoma Narrows to a point on the Pierce-King county line northeast of the main channel of the Tacoma Narrows; E on the Pierce-King county line to the point where the county line turns southeast, northwest of Dash Point; E to Redondo Junction on the eastern shore of the Puget Sound and the point of beginning; except Private Lands Wildlife Management Area 401 (Campbell Group) (Kapowsin Tree Farm).

GMU 653-WHITE RIVER (King and Pierce counties):
Beginning at the lookout station at Grass Mountain mainline (US Forest Service Rd 7110) and the city of Tacoma Green River Watershed boundary; E on the Green River Watershed boundary to US Forest Service Rd 7032; E along US Forest Service Rd 7032 to US Forest Service Rd 7030; SE along US Forest Service Rd 7030 to Forest Service Rd 7036; SE along US Forest Service Rd 7036 to US Forest Service Rd 7038; SE on US Forest Service Rd 7038 to US Forest Service Trail 2000 (Pacific Crest Trail) at its closest point to US Forest Service Rd 7038 near Windy Gap north of Pyramid Peak; S on the (US Forest Service Trail 2000) Pacific Crest Trail to the Mount Rainier National Park boundary at Chinook Pass; N and W on the Mount Rainier National Park boundary to the Carbon River; NW down the Carbon River to the power transmission line; NE along the power transmission line to South Prairie Creek; N along South Prairie Creek to intersection with Campbell Group ownership line (Kapowsin Tree Farm) (Section 14, T19N, R6E); E and N along Campbell Group ownership line (Kapowsin Tree Farm) to the White River (along west line of Section 6, T19N, R7E); SE along the White River to the power transmission lines on the north side of the White River near Mud Mountain Dam Rd; NE on the power transmission lines to SR 410; E on SR 410 to US Forest Service Rd 7110; N on US Forest Service Rd 7110 to the city of Tacoma Green River Watershed and the point of beginning, except Private Lands Wildlife Management Area 401 (Campbell Group) (Kapowsin Tree Farm).

GMU 654-MASHEL (Pierce County):
Beginning at the power transmission line at the Puyallup River Bridge on Orville Rd East; NE on the power transmission line to the Carbon River; SE along the Carbon River to the west boundary of Mt. Rainier National Park; S on the Mt. Rainier National Park boundary to the Nisqually River; W down the Nisqually River to the mouth of the Mashel River; N up the Mashel River to the SR 161 bridge (Eatonville-LaGrande Rd); N on SR 161 through Eatonville to Orville Rd East (Kapowsin-Eatonville Rd); N on Orville Rd East to the Puyallup River bridge and the point of beginning, except Private Lands Wildlife Management Area 401 (Campbell Group) (Kapowsin Tree Farm).

GMU 658-NORTH RIVER (Grays Harbor and Pacific counties):
Beginning at the Pacific Ocean and the south shore of Grays Harbor at the Westport Jetty; E along the south shore of Grays Harbor to the mouth of the Chehalis River at the town of Aberdeen; E up the Chehalis River to the US Hwy 101 bridge and US Hwy 101; S on US Hwy 101 to the Willapa River at the town of Raymond; W down the Willapa River to Willapa Bay; W along the north shore of Willapa Bay to the Pacific Ocean; N along the Pacific Ocean to the south shore of Grays Harbor at the Westport Jetty and the point of beginning.

GMU 660-MINOT PEAK (Grays Harbor and Pacific counties):
Beginning at the intersection of US Hwy 12 and US Hwy 101 at the town of Aberdeen; E and S on US Hwy 12 to North State St at the town of Oakville; S on North State St to South Bank Rd; W on South Bank Rd to Garrard Creek Rd; SW on Garrard Creek Rd to Oakville-Brooklyn Rd; W on Oakville-Brooklyn Rd to North River Valley Rd; W on North River Valley Rd to Smith Creek Rd; W on Smith Creek Rd to US Hwy 101; N on US Hwy 101 to US Hwy 12 at the town of Aberdeen and the point of beginning.

GMU 663-CAPITOL PEAK (Grays Harbor and Thurston counties):
Beginning at US Hwy 12 and SR 8 at the town of Elma; E on SR 8 to US Hwy 101; E on US Hwy 101 to Delphi Rd SW; S on Delphi Road SW to 110th Ave SW; E on 110th Ave SW to Littlerock Rd; S on Littlerock Rd to US Hwy 12; NW on US Hwy 12 to SR 8 at the town of Elma and the point of beginning.

GMU 666-DESCHUTES (Thurston County):
Beginning on US Hwy 101 at the Mason-Thurston county line southeast of Oyster Bay; NE on the Mason-Thurston county line, through Totten Inlet, Squaxin Passage and Dana Passage, to the Pierce-Thurston county line in the Nisqually Reach; SE through the Nisqually Reach along the Pierce-Thurston county line to the mouth of the Nisqually River; SE on the Nisqually River to SR 507; SW on SR 507 to Old Hwy 99 SE (SR 99) at the town of Tenino; SW on Old Hwy 99 SE (SR 99) to I-5; W on SR 12 to Littlerock Rd; N on the Littlerock Rd to 110th Ave SW; W on 110th Ave SW to Delphi Rd SW; N on Delphi Rd SW to US Hwy 101; NW on US Hwy 101 to the Mason-Thurston county line southeast of Oyster Bay and the point of beginning.

GMU 667-SKOOKUMCHUCK (Thurston and Lewis counties):
Beginning at the SR 507 bridge on the Nisqually River; SE up the Nisqually River (Pierce-Thurston county line) SR 7 bridge at the town of Elbe on Alder Lake; S on SR 7 to SR 508 at the town of Morton; W on SR 508 to the Centralia-Alpha Rd; W and N on the Centralia-Alpha Rd to Salzer Valley Rd; W on Salzer Valley Rd to Summa St at the town of Centralia; W on Summa St to Kresky Rd; N on Kresky Rd to

Tower St; N on Tower St to SR 507; W on SR 507 (Cherry St, Alder St, and Mellen St) to I-5; N on I-5 to Old Hwy 99 SE (SR 99); NE on Old Hwy 99 SE (SR 99) to SR 507; NE on SR 507 to the Nisqually River bridge and the point of beginning.

GMU 672-FALL RIVER (Pacific, Lewis and Grays Harbor counties):
Beginning at the intersection of US Hwy 101 and SR 6 at the town of Raymond; N on US Hwy 101 to Smith Creek Rd; NE on Smith Creek Rd to North River Valley Rd; E on North River Valley Rd to Oakville-Brooklyn Rd; E on the Oakville-Brooklyn Rd to Garrard Creek Rd; S on Garrard Creek Rd to Weyerhaeuser C line at mile post 5; W on the Weyerhaeuser C line to Weyerhaeuser 723 line; S on the Weyerhaeuser 723 line to the Weyerhaeuser 720 line; W on the Weyerhaeuser 720 line to Weyerhaeuser 7800 F line; S on Weyerhaeuser 7800 F line to Weyerhaeuser 7800 line; S and SE on Weyerhaeuser 7800 line to Weyerhaeuser 7000 line; SW on Weyerhaeuser 7000 line to Weyerhaeuser 7050 line; S on Weyerhaeuser 7050 line to Weyerhaeuser 7400 line; S and E on Weyerhaeuser 7400 line to Weyerhaeuser 7000 line; E on the Weyerhaeuser 7000 line to Elk Creek Rd; E on Elk Creek Rd to Stevens Rd at the town of Doty; E on Stevens Rd to SR 6; S, W and NW on SR 6 to US Hwy 101 at the town of Raymond and the point of beginning.

GMU 673-WILLIAMS CREEK (Pacific County):
Beginning at US Hwy 101 bridge crossing the Willapa River at the town of Raymond; S on US Hwy 101 to SR 6; SE on SR 6 to the Trap Creek A line; S and W on the Trap Creek A line to power transmission lines; S and SW on the power transmission lines to Weyerhaeuser 5800 line (Section 22, T11N, R8W); SW along the Weyerhaeuser 5800 line to Weyerhaeuser 5000 line (Deep River main line); SW on the Weyerhaeuser 5000 line (Deep River main line) to the Salmon Creek Rd; SW along the Salmon Creek Rd to SR 4; W on SR 4 to US Hwy 101 at Johnson's Landing; W on US Hwy 101 to the Naselle River bridge; W down the Naselle River to Willapa Bay; N along the east shore of Willapa Bay to the Willapa River; SE and NE up the Willapa River to the US Hwy 101 bridge and the point of beginning.

GMU 681-BEAR RIVER (Pacific and Wahkiakum counties):
Beginning at the US Hwy 101 bridge at the Naselle River; E on US Hwy 101 to SR 4; SE on SR 4 to Deep River bridge; S down the Deep River to the Columbia River; W along the shore of the Columbia River to the mouth of the Wallacut River (including all islands in the Columbia both north of the Washington-Oregon state line and between the Deep River and the Wallacut River); N up the Wallacut River to US Hwy 101; NW on US Hwy 101 to alternate US Hwy 101, north of the Ilwaco Airport; N on alternate US Hwy 101 to US Hwy 101; E and NE on US Hwy 101 to Bear River; N down Bear River to Willapa Bay; N along the eastern shore of Willapa Bay to the mouth of the Naselle River; SE up the Naselle River to the US Hwy 101 bridge and the point of beginning.

GMU 684-LONG BEACH (Pacific County):
Beginning at the mouth of Bear River on Willapa Bay; S up Bear River to US Hwy 101; W and SW on US Hwy 101 to alternate US Hwy 101 north of the Ilwaco Airport; S on alternate US Hwy 101 to US Hwy 101; W on US Hwy 101 to the Wallacut River; S along the Wallacut River to the Columbia River; W down the Columbia River to its mouth on the Pacific Ocean (including all islands in the Columbia River both north of the Washington-Oregon state line and between the Wallacut River and the mouth of the Columbia River); N, E, S, and E along the shoreline of the Long Beach peninsula to Bear River and the point of beginning.

GMU 699-LONG ISLAND (Pacific County):
Includes all of Long Island.

[Statutory Authority: RCW 77.12.047. 03-06-110 (Order 03-23), § 232-28-336, filed 3/5/03, effective 4/5/03.]

WAC 232-28-337 Deer and elk area descriptions.

ELK AREAS

Elk Area No. 1010 (Columbia County): GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

Elk Area No. 1011 (Columbia County): That part of GMU 162 east of the North Touchet Road, excluding National Forest land.

Elk Area No. 1012 (Columbia County): That part of GMU 162 west of the North Touchet Road, excluding National Forest land and the Rainwater Wildlife Area.

Elk Area No. 2032 Malaga (Kittitas and Chelan counties): Beginning at the mouth of Davies Canyon on the Columbia River; west along Davies Canyon to the cliffs above (north of) the North Fork Tarpiscan Creek; west and north along the cliffs to the Bonneville Power Line; southwest along the power line to the North Fork Tarpiscan Road in Section 9, Township 20N, Range 21E; north and west along North Fork Tarpiscan Road to Colockum Pass Road (Section 9, Township 20N, Range 21E); south and west on Colockum Pass Road to section line between Sections 8 & 9; north along the section line between Sections 8 and 9 as well as Sections 4 & 5 (T20N, R21E) & Sections 32 & 33 (T21N, R21E) to Moses Carr Road; west and north on Moses Carr Road to Jump Off Road; south and west on Jump Off Road to Shaller Road; north and west on Shaller Road to Upper Basin Loop Road; north and west on Upper Basin Loop Road to Wheeler Ridge Road; north on Wheeler Ridge Road to the Basin Loop Road (pavement) in Section 10 (T21N, R20E); north on Basin Loop Road to Wenatchee Heights Road; west on Wenatchee Heights Road to Squilchuck Road; south on Squilchuck Road to Beehive Road (USFS Rd 9712); northwest on Beehive Road to USFS Rd 7100 near Beehive Reservoir; north and west on USFS Rd 7100 to Peavine Canyon Road (USFS Rd 7101); north and east on Peavine Canyon Road to Number Two Canyon Road; north on Number Two Canyon Road to Crawford Street in Wenatchee; east on Crawford Street to the Columbia River; south and east along the Columbia River to Davies Canyon and point of beginning. (Naneum Green Dot, Washington Gazetteer, Wenatchee National Forest)

Elk Area No. 2033 Peshastin (Chelan County): Beginning at Crawford Street and the Columbia River in Wenatchee; west on Crawford Street and Number Two Canyon Road to USFS 7101 Road (Peavine Canyon); west on USFS 7101 Road to Mission Creek Road; north on Mission Creek Road to USFS 7104 Road (Sand Creek Road); west on USFS 7104

Road (Sand Creek Road) to Camas Creek; west up Camas Creek to where Camas Creek crosses USFS 7200 Road, T22N, R18E, Section 4; north along USFS 7200 Road to U.S. Highway 97; north on U.S. Highway 97 to USFS 7300 Road (Mountain Home Road); north on the USFS 7300 Road to the Wenatchee River at Leavenworth; down the Wenatchee River and Columbia River to the point of beginning.

Elk Area No. 3010 Nile (Yakima County): That part of GMUs 352 and 360 south of Upper Nile Loop Road Bridge and north of Lower Nile Loop Road Bridge (near The Woodshed Restaurant) and north and east of the Nile elk fence.

Elk Area No. 3028 Cooke Creek (Kittitas County): Beginning at the junction of the Naneum Ridge and Swift Creek Road in T20N, R20E, Section 16, east on the Naneum Ridge Road to the Colockum Road; south on the Colockum and Brewton roads to the power lines in T20N, R21E, Section 29; south and west on the power lines to the Coleman Creek Road; north on the Coleman Creek Road to the Swift Creek Road and point of beginning, excluding Arthur Coffin Game Reserve.

Elk Area No. 3031 Shushuskin (Kittitas County): Beginning at Umtanum Road and the Yakima River; west along Umtanum Road to Manastash Road; west on Manastash Road to Cove Road; south and west on Cove Road to Hanson Road and Umtanum Creek; east (downstream) along Umtanum Creek to the Yakima River; north (upstream) along the Yakima River to the point of beginning.

Elk Area No. 3036 Riverbottom (Kittitas County): Beginning at the junction of Umtanum Road and State Route 821; south on State Route 821 and the Yakima River to Umtanum Creek; west up Umtanum Creek to Umtanum Road; north on Umtanum Road to State Route 821 and the point of beginning.

Elk Area No. 3368 Jump Off (Yakima County): That part of GMU 368 east of the following boundary: Jump Off Road and the power lines to South Fork Cowiche Creek; west along South Fork Cowiche Creek to Road A 5500; east on A 5500 Road and south on A 5000 Road to North Fork Ahtanum Creek Road; south and west on North Fork Ahtanum Creek Road to A 2000; A 2000 to A 2400 Road; A 2400 Road to A 1000 Road and South Fork of Ahtanum Creek.

Elk Area No. 3911 Fairview (Kittitas County): Beginning at the intersection of the BPA Power Lines in T20N, R14E, Section 36 and I-90; east along the power lines through Cle Elum to the Teanaway Road; north on the Teanaway Road to Ballard Hill Road; east on Ballard Hill Rd and Swauk Prairie Road to Hwy 970; north on Hwy 970 to Hwy 97; south on Hwy 97 to the power lines in T20N, R17E, Section 34; east on the power lines to Naneum Creek; south on Naneum Creek approximately 1/2 mile to power lines in T19N, R19E, Section 20; east and south along the power lines to the Vantage Highway; east along the Vantage Highway to I-90; west along I-90 to the Yakima Training Center boundary; south and west along the Yakima Training Center boundary to I-82; north on I-82 to Thrall Road; west on Thrall Road to Wilson Creek; south on Wilson Creek to Yakima River; north on Yakima River to gas pipeline crossing in T17N, R18E, Section 25; south and west on the gas pipeline to Umtanum Creek; west on Umtanum Creek to the Durr Road; north on the Durr Road to Umptaneum Road; north on Umptaneum Road to South Branch Canal; west on South Branch Canal to Bradshaw Road; west on Bradshaw Road to the elk fence; north and west along the elk fence to power line crossing in T19N, R16E, Section 10; west along the power line (south branch) to the Cabin Creek Road; east and north on Cabin Creek Road to Easton and I-90; east on I-90 to point of beginning.

Elk Area No. 3912 Old Naches (Yakima County): Starting at the elk fence and Roza Canal along the south boundary T14N, R19E, Section 8; following the elk fence to the sheep feeding site in T15N, R16E, Section 30; south on the feeding site Access Road to the Old Naches Highway; west and south on the Old Naches Highway to State Route 12 and the Naches River; down the Naches River to the Tieton River; up the Tieton River approximately 2 miles to the elk fence in T14N, R16E, Section 3; due south from the start of the elk fence to the top of the cliff; southwest along the cliff/rimrock to the irrigation canal in T14N, R16E, Section 9; southwest along the irrigation canal to the elk fence in T14N, R16E, Section 8; the elk fence to the power lines in T13N, R16E, Section 34; south along the power lines approximately 3/4 of a mile to the irrigation ditch; west along the irrigation ditch to the township line between T12N, R15E and T12N, R16E; south along the township line to the South Fork Ahtanum Creek; South Fork Ahtanum Creek to Ahtanum Creek to Yakima River; up the Yakima River to Roza Canal and point of beginning.

Elk Area No. 3944 Clemen (Yakima County): That portion of GMU 342 beginning at the junction of Highway 410 and USFS Road 1701 (Big Bald Mountain Road); north to USFS Road 1712; east on USFS Road 1712 (Clemen Ridge Road) to the elk fence gate (T15N; R17E; Section 23 NE 1/4) at the top of Austin Spur Road; south and west along the elk fence to Highway 410 to the point of beginning.

Elk Area No. 4041 Grandy Creek (Skagit County): Begin at the intersection of CP 190 Road and CP 132 Road (Section 28, T36N, R5E); east along the CP 132 Road to the CP 130 Road; east and south along CP 130 Road to CP 110 Road, west, south and east along CP 110 Road to Childs Creek; south down Childs Creek to State Route 20; east on State Route 20 to Grandy Creek; south down Grandy Creek to the Skagit River; south on a line to South Skagit Hwy; west on South Skagit Hwy to State Route 9; north on State Route 9 to State Route 20; east on State Route 20 to Helmick Road; north on Helmick Road to CP 190 Road to CP 132 Road and the point of beginning. (WA Atlas & Gazetteer & Mt. Baker-Snoqualmie National Forest Map)

Elk Area No. 4941 Skagit River (Skagit County): Beginning at the intersection of State Route 9 and State Route 20; east on State Route 20 to Grandy Creek; south down Grandy Creek to the Skagit River; south on a line to South Skagit Highway; west on South Skagit Highway to State Route 9; north on State Route 9 to point of beginning.

Elk Area No. 5029 Toledo (Lewis and Cowlitz counties): Beginning at the Cowlitz River and State Highway 505 junction; east along State Highway 505 to Eden Road; east along

Eden Road to the Evans Road; east along the Evans Road to the Weyerhaeuser 1800 Road; south along Weyerhaeuser 1800 Road to Cedar Creek Road; east along Cedar Creek Road to Due Road; south on Due Road to Weyerhaeuser 1823 Road; south along Weyerhaeuser 1823 Road to the Weyerhaeuser 1945 Road; south along the Weyerhaeuser 1945 Road to the Weyerhaeuser 1900 Road; south along the Weyerhaeuser 1900 Road to the Weyerhaeuser 1890 Road; south along the Weyerhaeuser 1890 Road to State Highway 504; west along State Highway 504 to Tower Road; north along Tower Road to the Weyerhaeuser 1522 Road; north along the Weyerhaeuser 1522 road to Salmon Creek; west along Salmon Creek to the Cowlitz River; North along the Cowlitz River to the junction of State Highway 505 and the point of beginning.

Elk Area No. 5050 Curtis (Lewis County): Beginning at the Boistfort Road, State Highway 6 intersection; west to the Mauerman Road; west and southwest on the Mauerman Road to the Pe Ell/McDonald Road; south and east on the Pe Ell/McDonald Road to the Lost Valley Road; south and southeast on the Lost Valley Road to the Boistfort Road; east and north along the Boistfort Road to State Highway 6 and point of beginning.

Elk Area No. 5051 Green Mountain (Cowlitz County): Beginning at the junction of Tower Road and State Highway 504; north along Tower Road to the Toutle River; north along the Toutle River to the North Fork of the Toutle River; east along the North Fork of the Toutle River to Alder Creek to the Weyerhaeuser 2400 Road; south along the Weyerhaeuser 2400 Road to the Weyerhaeuser 4400 Road to Johnson Creek and the South Fork of the Toutle River to the South Toutle River Road; west along the South Toutle River Road to State Highway 504; west along State Highway 504 to the junction of Tower Road and the point of beginning.

Elk Area No. 5052 Mossyrock (Lewis County): Beginning at the intersection of Winston Creek Road and State Highway 12; east on State Highway 12 to the Cowlitz River; east on the Cowlitz River to Riffe Lake; southeast along the south shore of Riffe Lake to Swofford Pond outlet creek; south on Swofford Pond outlet creek to Green Mountain Road; west on Green Mountain Road to Perkins Road; west on Perkins Road to Longbell Road; south on Longbell Road to Winston Creek Road; north on Winston Creek Road to State Highway 12 and the point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 5053 Randle (Lewis County): Beginning at the town of Randle and the intersection of U.S. Highway 12 and State Route 131 (Forest Service 23 and 25 roads); south on State Route 131 to Forest Service 25 Road; south on Forest Service 25 Road to the Cispus River; west along the Cispus River to the Champion 300 line bridge; south and west on the Champion 300 line to the Champion Haul Road; north along the Champion Haul Road to Kosmos Road; north on Kosmos Road to U.S. Highway 12; east on U.S. Highway 12 to Randle and point of beginning. (All lands owned and managed by the Cowlitz Wildlife Area are excluded from this Elk Area.)

Elk Area No. 5054 Boistfort (Lewis County): Beginning at the town of Vader; west along State Highway 506 to the Wildwood Road; north along the Wildwood Road to the Abernathy 500 line gate (Section 20, T11N, R3W, Willamette Meridian); northwest along the 500, 540, and 560 lines to the Weyerhaeuser 813 line; northwest along the 813, 812, 5000J, 5000 and 4000 lines to the Pe Ell/McDonald Road (Section 15, T12N, R4W); west along the Pe Ell/McDonald Road to the Lost Valley Road; northeast along the Lost Valley Road to the Boistfort Road; north along the Boistfort Road to the King Road; east along the King Road to the town of Winlock and State Highway 603; south along Highway 505 to the Winlock/Vader Road; south along said road to the town of Vader and the point of beginning.

Elk Area No. 5055 East Valley (Wahkiakum County): Within one mile on either side of the line beginning at Wilson Creek Park on East Valley Road; west on East Valley Road to the junction with Middle Valley Road (4.5 miles); north along Middle Valley Road to the junction of Oat Field Road (2.5 miles).

Elk Area No. 5056 Grays River Valley (Wahkiakum County): On or within 1/4 mile of agricultural land in the Grays River Valley within the following sections: T10N, R7W, Sections 8, 9, 17, 18 and T10N, R8W, Sections 13, 23, 24, 26.

Elk Area No. 5057 Carlton (Lewis County): That part of 513 (South Rainier) lying east of Highway 123 and north of Highway 12.

Elk Area No. 5058 West Goat Rocks (Lewis County): Goat Rocks Wilderness west of the Pacific Crest Trail.

Elk Area No. 5059 Mt. Adams Wilderness (Skamania and Yakima counties): The Mt. Adams Wilderness.

Elk Area No. 5060 Merwin (Cowlitz County): Begin at the State Route 503 and the Longview Fibre Road WS-8000 junction; north and west on the Longview Fibre Road WS-8000 to Day Place Road; west on Day Place Road to Dubois Road; south on Dubois Road to State Route 503; east on State Route 503 to the State Route 503 and the Longview Fibre Road WS-8000 junction and point of beginning.

Elk Area No. 6010 Mallis (Pacific County): That part of GMUs 506, 672, and 673 within one mile either side of State Road 6 between the east end of Elk Prairie Road and the Mallis Landing Road.

Elk Area No. 6011 Centralia Mine (Lewis County): That portion of GMU 667 within Centralia Mine property boundary.

Elk Area No. 6054 Puyallup River (Pierce County): That part of GMU 654 south of the Puyallup River.

Elk Area No. 6061 Twin Satsop Farms (Mason County): That portion of GMU 651 starting at the junction of the Deckerville Road and the Brady-Matlock Road; southwest to the junction with the West Boundary Road; north on West Boundary Road to the Deckerville Road; east on the Deckerville Road to the junction of Brady-Matlock Road and point of beginning. In addition, the area within a circle with a

radius of two miles centered on the junction of State Route 108 and the Eich Road.

Elk Area No. 6062 South Bank (Grays Harbor County): That portion of GMU 660 (Minot Peak) described as follows: Beginning at Highway 12 and Wakefield Road Junction (South Elma); south on Wakefield Road, across the Chehalis River to the South Bank Road; southeast on the South Bank Road to Delezene Road; south on the Delezene Road to a point one mile from the South Bank Road; southeast along a line one mile southwest of the South Bank Road to the Oakville-Brooklyn Road; east on the Oakville-Brooklyn Road to Oakville and Highway 12; northwest on Highway 12 to Wakefield Road to Elma and the point of beginning.

Elk Area No. 6063 (Grays Harbor and Jefferson counties): Private lands within Elk Area 6064 east of Highway 101.

Elk Area No. 6064 Quinault Valley (Grays Harbor and Jefferson counties): That portion of GMU 638 (Quinault) within the Quinault River watershed.

Elk Area No. 6066 Chehalis Valley (Grays Harbor County): That portion of GMU 660 (Minot Peak) beginning at Highway 12 and Highway 107 junction near Montesano; east and south on Highway 12 to Oakville; south on Oakville-Brooklyn Road to a point one mile west of South Bank Road; northwest along a line one mile southwest of South Bank Road to Delezene Road; north along Delezene Road to South Bank Road; northwest along South Bank Road to Wakefield Road; north on Wakefield Road to Chehalis River; west on Chehalis River to Highway 107 bridge; north on Highway 107 to Highway 12 and the point of beginning.

Elk Area No. 6067 North Minot (Grays Harbor County): The portion of GMU 660 (Minot Peak) beginning at the junction on State Route 107 and the Melbourne A-line, on the Melbourne A-line to the Vesta F-line; south on Vesta F-line to Vesta H-line (Vesta Creek Road); south on Vesta Creek Road to the North River Road; south and east on North River Road to the Brooklyn Road; east on Brooklyn Road to the Garrard Creek Road; east and north on Garrard Creek Road to the South Bank Road; east on South Bank to South State Street (Oakville); north on South State Street to U.S. 12; northwest and west on U.S. 12 to State Route 107; south and southwest on SR 107 to the Melbourne A-line and the point of beginning.

Elk Area No. 6068 Willapa (Grays Harbor County): That part of GMU 658 south of SR 105 between the intersection of SR 105 and Hammond Road and the SR 105 bridge over Smith Creek; and within one mile north of SR 105 west from Hammond Road and east of the SR 105 bridge over Smith Creek.

Elk Area No. 6069 Hanaford (Lewis and Thurston counties): Beginning at the intersection of Salzer Valley Road and Centralia-Alpha Road; east and north on Salzer Valley Road to west on Little Hanaford Road to north on Teitzel Road to west on Big Hanaford Road to north on Highway 507 to east on Skookumchuck Road to the first bridge over Skookumchuck River; east along the Skookumchuck River to the power line crossing immediately upstream of the confluence with Johnson Creek; southwest along the power line to east and south on the Big Hanaford Road to Weyerhaeuser Road E160 to Weyerhaeuser Road E240 to south on North Fork Road to west on Alpha-Centralia Road to the point of origin.

Elk Area No. 6071 Dungeness (Clallam County): That part of GMU 621 north and west of Jimmy Come Lately Creek and the Gray Wolf River and that part of GMU 624 west of Jimmy Come Lately Creek and east of the Dungeness River.

DEER AREAS

Deer Area No. 1010 (Columbia County): GMU 162 excluding National Forest land and the Rainwater Wildlife Area.

Deer Area No. 1020 Prescott (Columbia and Garfield counties): That portion of GMU 149 between Hwy 261 and Hwy 127.

Deer Area No. 2010 Benge (Adams County): That part of GMU 284 beginning at the town of Benge, west on Benge-Washtucna Road to Cow Creek; north along Cow Creek to McCall Road; east on McCall Road to Gering Road; east on Gering Road to Lakin Road; east on Lakin Road to Revere Road; south on Revere Road to Rock Creek; south along Rock Creek to the Palouse River; south and west along the Palouse River to SR 26; west on SR 26 to Beckley Road; north on Beckley Road to Negro Road; north on Negro Road to Beckley Road; north on Beckley Road to Benge-Winona Road; west on Benge-Winona Road to Benge and the point of beginning.

Deer Area No. 2011 Lakeview (Grant County): That part of GMU 272 beginning at the junction of SR 28 and First Avenue in Ephrata; west on First Avenue to Sagebrush Flats Road; west on Sagebrush Flats Road to Davis Canyon Road; north on Davis Canyon Road to E Road NW; north on E Road NW to the Grant-Douglas county line; east along the county line to the point where the county line turns north; from this point continue due east to SR 17; south on SR 17 to SR 28 at Soap Lake; south on SR 28 to the junction with First Avenue in Ephrata and the point of beginning.

Deer Area No. 2925 Ritzville (Adams County): Beginning at the junction of I-90 and SR 261 near the town of Ritzville; south along SR 261 to SR 26; east on SR 26 to the Whitman County line; north along the Adams, Whitman County line to where it intersects the Lincoln, Adams County line; north along the Adams, Lincoln County line to I-90; west along I-90 to point of beginning.

Deer Area No. 3071 Whitcomb (Benton County): That part of GMU 372 made up by the Whitcomb Unit of the Umatilla National Wildlife Refuge.

Deer Area No. 3072 Paterson (Benton County): That part of GMU 372 made up by the Paterson Unit of the Umatilla National Wildlife Refuge.

Deer Area No. 3081 (Franklin County): That part of GMU 381 that is west of Highways 395 and 17.

Deer Area No. 4926 Guemes (Skagit County): That part of GMU 407 (North Sound) on Guemes Island.

Deer Area No. 5051 Fisher Island (Cowlitz County): The islands in the Columbia River known as Fisher Island and Hump Island in Game Management Unit 504.

[Statutory Authority: RCW 77.12.047. 03-13-047 (Order 03-129), § 232-28-337, filed 6/12/03, effective 7/13/03.]

WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons[.]

HOUND HUNTING DURING DEER AND ELK HUNTING SEASONS

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season. The use of hounds to hunt black bear, cougar (EXCEPT by public safety removal permit), and bobcat is prohibited year around.

BOBCAT

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006[.]

RACCOON

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED on Long Island within Willapa National Wildlife Refuge.

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006[.]

FOX

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 407 and 410.

Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006[.]

COYOTE

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, year around except CLOSED from September 15 to November 30 in the Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 245, and 448 within the external boundaries of the Mount Baker-Snoqualmie, Okanogan, and Wenatchee National Forests. However, coyote may only be killed and/or pursued with hounds during the following period: Sept. 2, 2003 - Mar. 15, 2004; Sept. 7, 2004 - Mar. 15, 2005; Sept. 6, 2005 - Mar. 15, 2006; except coyote may be hunted year around with hounds in Grant, Adams, Benton, and Franklin counties.

FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

Statewide: Sept. 1 - Dec. 31, 2003; Sept. 1 - Dec. 31, 2004; Sept. 1 - Dec. 31, 2005[.]

PTARMIGAN, SAGE, AND SHARP-TAILED GROUSE

Season closed statewide.

EASTERN WASHINGTON

RING-NECKED PHEASANT

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 18 - Dec. 31, 2003[;][,] Oct. 23 - Dec. 31, 2004; Oct. 22 - Dec. 31, 2005[.]

CHUKAR

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006

GRAY (HUNGARIAN) PARTRIDGE

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006[.]

MOUNTAIN QUAIL

Season closed throughout Eastern Washington.

CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003 - Jan. 19, 2004; Oct. 2, 2004 - Jan. 17, 2005; Oct. 1, 2005 - Jan. 16, 2006[.]

Yakama Indian Reservation: The 2003-04, 2004-05, 2005-06 Upland bird seasons within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

WESTERN WASHINGTON

RING-NECKED PHEASANT

Bag and Possession Limits: Two (2) pheasants of either sex per day, with a total of fifteen (15) pheasants in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Hunters 65 years of age or older: Sept. 22-26, 2003; Sept. 20-24, 2004; Sept. 19-23, 2005

Regular Season: Sept. 27 - Nov. 30, 2003; Sept. 25 - Nov. 30, 2004; Sept. 24 - Nov. 30, 2005. 8 a.m. to 4 p.m.; except Dungeness Recreation [Area] [site] (Clallam County) starting Oct. 4, 2003; Oct. 2, 2004; Oct. 1, 2005.

Extended Season: Dec. 1 - Dec. 15, 2003; Dec. 1 - Dec. 15, 2004[;][,] Dec. 1 - 15, 2005. 8 a.m. to 4 p.m. only on the following release sites: Belfair, Fort Lewis, Kosmos, Lincoln Creek, Scatter Creek, and Skookumchuck. Pheasants will not be released during the extended season.

A Western Washington Pheasant Permit is required to hunt pheasant in Western Washington, in addition to a current small game hunting license. Pheasant kills must be recorded. Upon taking a pheasant, the holder of a Western Washington Pheasant Permit must immediately enter on the corresponding space the date and location of kill.

There are three options available:

(1) Full Season Option: Allows the harvest of eight (8) pheasants.

(2) Youth Option: Allows the harvest of eight (8) pheasants by youth hunters.

(3) 3-Day Option: Allows the harvest of four (4) pheasants harvested over three consecutive days.

Every person possessing a Western Washington Pheasant Permit must by December 31, return the permit to the department of fish and wildlife. The number of permits purchased per year is not limited.

A hunter shall select one valid option at the time they purchase their Western Washington Pheasant Permit. It is unlawful to purchase an additional permit until the pheasants allowed on the current permit are taken.

Special Restriction: Western Washington pheasant hunters must choose to hunt on either odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, all hunting sites on Whidbey Island, and at the Dungeness Recreation Area, and must indicate their choice on the Western Washington Pheasant Permit by choosing "odd" or "even." Hunters who select the three day option, hunters 65 years of age or older, and youth hunters may hunt during either weekend day morning. Youth hunters must be accompanied by an adult at least 18 years old who must have an appropriately marked pheasant permit if hunting.

MOUNTAIN QUAIL

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Season: Oct. 4 - Nov. 30, 2003; Oct. 2 - Nov. 30, 2004; Oct. 1 - Nov. 30, 2005[.]

CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE

Bag and Possession Limits: Ten (10) California (valley) quail or northern bobwhite per day, with a total of thirty (30) California (valley) quail or northern bobwhite in possession at any time, straight or mixed bag.

Season: Oct. 4 - Nov. 30, 2003; Oct. 2 - Nov. 30, 2004; Oct. 1 - Nov. 30, 2005[.]

WILD TURKEY

Youth Season:

Gobblers and turkeys with visible beards only.

Statewide: April 10-11, 2004; April 9-10, 2005; April 8-9, 2006 in the following GMUs ONLY: 101, 113, 117, 130, 133, 139, 145-154, 166, 175, 186, 204, 215, 218, 242, 245, 249-251, 269, 328, 329, 346, 352, 360-368, 382, 506, 554, 556, 568, 574, 588, 633, 651, 660-666.

Spring Season:

Gobblers and turkeys with visible beards only.

Statewide: April 15 - May 15, 2004; April 15 - May 15, 2005; April 15 - May 15, 2006.

Fall Season:

Either sex.

Permit Only[:] [-] GMUs 101, 105, 108, 111, 113, 117, 121, 133, 145-186, 382, 568-588. Sept. 27 - Oct. 3, 2003; Sept. 25 - Oct. 1, 2004; Sept. 24 - Sept. 30, 2005[.]

Permit Area	Number of Permits
GMU 101	200
GMU 105	100
GMU 108	200
GMU 111	100
GMU 113	100
GMU 117	400
GMU 121	800
GMU 133	150
GMUs 145-186	[50]
GMUs 382, 568-588	75

OFFICIAL HUNTING HOURS/BAG LIMITS FOR WILD TURKEY:

Bag and Possession Limit: Only two (2) turkeys may be killed in Eastern Washington per year, except only one (1) may be killed in Chelan, Kittitas, or Yakima counties; and one [(1)] per year in Western Washington, except two (2) may be killed in Klickitat County. The season limit is three (3) birds per year.

Hunting Hours: One-half hour before sunrise to sunset during spring and fall seasons.

SPECIAL REGULATIONS FOR WILD TURKEY:

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey tag is required for hunting turkey.
3. It is unlawful to use dogs to hunt turkeys.
4. It is unlawful to bait game birds.

BIRD DOG TRAINING SEASON

Wild upland game birds may be pursued during the dog-training season, but may not be killed except during established hunting seasons. A small game license is required to train dogs on wild game birds. A small game license and a Western Washington Pheasant Permit is required to train dogs on pheasants in Western Washington. Captive raised game birds may be released and killed during dog training if proof of lawful acquisition (invoices) are in possession and the birds are appropriately marked (WAC 232-12-271) (WAC 232-12-044).

Aug. 1, 2003 - Mar. 31, 2004; Aug. 1, 2004 - Mar. 31, 2005; Aug. 1, 2005 - Mar. 31, 2006. Only youth and seniors may train dogs during their respective seasons on designated Western Washington pheasant release sites.

Bird dog training may be conducted year around on areas posted for bird dog training on portions of: Region One - Espanola (T24N, R40E, E 1/2 of [section] [Sec.] 16); Region Three - South L.T. Murray Wildlife Area; Region Four - Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Five - Shillapoo/Vancouver Lake Wildlife Area; Region Six - Scatter Creek Wildlife Area, Fort Lewis Military Base.

HIP REQUIREMENTS:

All hunters age 16 and over of migratory game birds (duck, goose, coot, snipe, mourning dove) are required to complete a Harvest Information Program (HIP) survey at a license dealer, and possess a Washington Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey, and possess a free Washington Youth Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds.

CANADA GOOSE SEPTEMBER SEASON

Bag and Possession Limits: Western Washington, except Cowlitz and Wahkiakum counties and that part of Clark County north of the Washougal River: Five (5) Canada geese per day with a total of ten (10) in possession at any time. Remainder of the state: Three (3) Canada geese per day with a total of six (6) in possession at any time.

Western Washington: Sept. 6-11, 2003; Sept. 11-15, 2004; Sept. 10-15, 2005. EXCEPT Pacific and Grays Harbor counties: Sept. 1-15, 2003, 2004, and 2005.

Eastern Washington: Sept. 6-7, 2003; Sept. 11-12, 2004; Sept. 10-11, 2005.

BAND-TAILED PIGEON

Sept. 15-23, 2003, 2004, 2005[.]

Daily Bag Limit: 2 band-tailed pigeons[.]

Possession Limit: 4 band-tailed pigeons.

WRITTEN AUTHORIZATION REQUIRED TO HUNT BAND-TAILED PIGEONS[.]

All persons hunting band-tailed pigeons in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Application forms must be delivered to a department office no later than August 25 or postmarked on or before August 25 in order for applicants to be mailed an authorization before the season starts. Immediately after taking a band-tailed pigeon into possession, hunters must record in ink the information required on the harvest report. By September 30, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's Internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the following band-tailed pigeon season.

MOURNING DOVE

Bag and Possession Limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1-15, 2003, 2004, and 2005[.]

COTTONTAIL AND SNOWSHOE HARE (OR WASHINGTON HARE)

Bag and Possession Limits: Five (5) cottontails or snowshoe hares per day, with a total of fifteen (15) in possession at any time, straight or mixed bag.

Statewide: Sept. 1, 2003 - Mar. 15, 2004; Sept. 1, 2004 - Mar. 15, 2005; Sept. 1, 2005 - Mar. 15, 2006.

JACKRABBIT

Closed season statewide.

CROWS

Bag and Possession Limits: No Limit

Statewide: Oct. 1, 2003 - Jan. 31, 2004; Oct. 1, 2004 - Jan. 31, 2005; Oct. 1, 2005 - Jan. 31, 2006[.]

FALCONRY SEASONS

UPLAND GAME BIRD AND FOREST GROUSE - FALCONRY

Daily Bag Limit: Two (2) pheasants (either sex), six (6) partridge, five (5) California (valley) quail or northern bobwhite, two (2) mountain quail (in Western Washington only), and three (3) forest grouse (blue, ruffed, spruce) per day.

Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2003 - Mar. 15, 2004; Aug. 1, 2004 - Mar. 15, 2005; Aug. 1, 2005 - Mar. 15, 2006[.]

MOURNING DOVE - FALCONRY

Daily Bag [Limit]: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons.

Possession limit is twice the daily limit.

Statewide: Sept. 1-15 and Oct. 1 - Dec. 31, 2003; Sept. 1-15 and Oct. 1 - Dec. 31, 2004; Sept. 1-15 and Oct. 1 - Dec. 31, 2005.

COTTONTAIL AND SNOWSHOE HARE - FALCONRY

Daily Bag [Limit]: Five (5) cottontails or snowshoe hares per day, straight or mixed bag.

Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2003 - Mar. 15, 2004; Aug. 1, 2004 - Mar. 15, 2005; Aug. 1, 2005 - Mar. 15, 2006.

[Statutory Authority: RCW 77.12.047. 03-16-087 (Order 03-175), § 232-28-341, filed 8/5/03, effective 9/5/03; 03-13-047 (Order 03-129), § 232-28-341, filed 6/12/03, effective 7/13/03.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 232-28-351 2003-2005 Deer general seasons and 2003 special permits.

Bag Limit: One (1) deer per hunter during the 2003 hunting season except where otherwise permitted by Fish and Wildlife Commission rule.

Hunting Method: Hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Any Buck Deer Seasons: Open only to the taking of deer with visible antlers (buck fawns illegal).

Branched Antler Restrictions: APPLIES TO ALL HUNTERS DURING ANY GENERAL SEASON! Buck deer taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be at least one inch long. The following GMUs have 2 or 3 point minimum requirements on buck deer taken.

2 Point minimum GMUs: 437, 558, 574, 578, 588, 636, 654, and 681.

3 Point minimum GMUs: All mule deer in 100, 200, and 300 series GMUs; whitetail deer in GMUs 127, 130, 133, 136, 139, 142, 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, and 186.

Permit Only Units: The following GMUs are closed during general seasons: 290 (Desert), 329 (Quilomene), 371 (Alkali), and 485 (Green River).

Private Lands Wildlife Management Areas (PLWMAs): Buckrun (PLWMA 201), Kapowsin (PLWMA 401), and Merrill and Ring (PLWMA 600) are closed to hunting, except by permit and/or written permission from the landowner.

GMUs Closed to Deer Hunting: 157 (Mill Creek Watershed), 490 (Cedar River), and 522 (Loo-wit).

Blacktail Deer: Any member of blacktail/mule deer (species *Odocoileus hemionus*) found west of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to Klickitat County and in Klickitat County west of Highway 97.

Mule Deer: Any member of blacktail/mule deer (species *Odocoileus hemionus*) found east of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to Klickitat County and in Klickitat County east of Highway 97.

Whitetail Deer: Means any whitetail deer (member of the species *Odocoileus virginianus*) except the Columbian whitetail deer (species *Odocoileus virginianus leucurus*).

MODERN FIREARM DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.
Tag Required: Valid modern firearm deer tag on his/her person for the area hunted.
Hunting Method: Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow or muzzleloader, but only during modern firearm seasons.

Hunt Season	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
HIGH BUCK HUNTS					
	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Peninsula Wilderness Areas and Lake Chelan Recreation Area and that part of the Henry Jackson Wilderness Area west of the Pacific Crest Trail	3 pt. min.
GENERAL SEASON HUNTS					
Western Washington Blacktail Deer	Oct. 11-31	Oct. 16-31	Oct. 15-31	407, 418, 426, 448 through 466, 501 through 520, 524 through 556, 560, 568, 572, 601 through 633, 638 through 673, 684	Any buck
				410, 564	Any deer
				437, 558, 574, 578, 588, 636, 654, 681	2 pt. min.
Eastern Washington Whitetail Deer	Oct. 11-24	Oct. 16-29	Oct. 15-28	101 through 124	Any whitetail buck
				203 through 247, and 249 through 251	Any whitetail buck
	Oct. 11-19	Oct. 16-24	Oct. 15-23	127 through 154, 162 through 186	Whitetail, 3 pt. min.
				248, 254 through 381 except closed in GMUs 290, 329, 371	Any whitetail buck
				Deer Area 3081	Any white-tailed deer

Hunt Season	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
Eastern Washington Mule Deer	Oct. 11-19	Oct. 16-24	Oct. 15-23	All 100 and 300 series GMUs, 248, and 254 through 284, except closed in GMUs 157, 329, and 371	3 pt. min.
				Deer Area 3081	Any mule deer
	Oct. 11-24	Oct. 16-29	Oct. 15-28	203 through 247 and 249 through 251	Mule deer, 3 pt. min.
LATE BUCK HUNTS					
Western Washington Blacktail Deer	Nov. 13-16	Nov. 18-21	Nov. 17-20	All 400, 500, and 600 series GMUs except closed in GMUs 418, 426, 437, 448, 450, 460, 522, 574, 578, and 588	Any buck except 2 pt. min. in GMUs 558, 636, 654, 681 and any deer in GMUs 410 and 564
Eastern Washington Whitetail Deer	Nov. 3-19	Nov. 8-19	Nov. 7-19	105 through 124	Any whitetail buck
				127-142	Whitetail, 3 pt. min.
YOUTH & DISABLED HUNTERS					
Eastern Washington Whitetail Deer	Oct. 25-Nov. 2	Oct. 30-Nov. 7	Oct. 29-Nov. 6	105 through 124	Whitetail, antlerless only
HUNTERS 65 AND OVER, DISABLED, OR YOUTH SEASONS					
Eastern Washington Whitetail Deer	Oct. 11-24	Oct. 16-29	Oct. 15-28	101 through 124	Any whitetail deer
	Oct. 11-19	Oct. 16-24	Oct. 15-23	127 through 142, 145 through 154, 162, 163, and 172 through 181	Whitetail, 3 pt. min. or antlerless
Eastern Washington Mule Deer	Oct. 11-19	Oct. 16-24	Oct. 15-23	142	Mule deer, 3 pt. min. or antlerless
ADVANCED HUNTER EDUCATION (AHE) MASTER HUNTER SEASON					
Eastern Washington Whitetail Deer	Dec. 9-15	Dec. 9-15	Dec. 9-15	GMUs 130-142	Whitetail, antlerless only
Eastern Washington Mule Deer	Dec. 9-15	Dec. 9-15	Dec. 9-15	GMU 142	Mule deer, antlerless only

ARCHERY DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.
Tag Required: Valid archery deer tag on his/her person for the area hunted.
Special Notes: Archery tag holders can only hunt during archery seasons with archery equipment.

Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
Early Archery Deer Seasons					
Western Washington Blacktail Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	407 through 426, 448 through 466, 501 through 520, 524 through 556, 560, 568, 572, 601 through 633, 638 through 653, 658 through 673, 684 and 699	Any Deer, except buck only in GMUs 503, 506, 530, 550, 568, 673
				437, 558, 574, 578, 588, 636, 654, 681	2 pt. min. or antlerless
				Alpine Lakes, Glacier Peak, and Olympic Peninsula Wilderness areas	3 pt. min. or antlerless
Eastern Washington Mule Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	105 through 127, 243 through 247, 249 through 251, 260, 262	3 pt. min.
				142 through 154, and 162 through 186, 328, 334 through 340, 346 through 368, 372	3 pt. min. or antlerless
				381	Any mule deer
	Sept. 1-15	Sept. 1-15	Sept. 1-15	101, 130 through 139, 204 through 242, 248, 254, 266, 269, 272, 278, 284, 382	3 pt. min.
	Sept. 16-30	Sept. 16-30	Sept. 16-30	101, 130 through 139, 204 through 242, 248, 254, 266, 269, 272, 278, 284, 382	3 pt. min. or antlerless
Eastern Washington Whitetail Deer	Sept. 1-30	Sept. 1-30	Sept. 1-30	101 through 124, 204 through 284	Any whitetail deer
				127 through 154, 162 through 186	Whitetail, 3 pt. min. or antlerless
Late Archery Deer Seasons					
Western Washington Blacktail Deer	Nov. 19 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	437, 588, 654	2 pt. min. or antlerless
	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	636, 681	2 pt. min. or antlerless
				558	2 pt. min.
				460, 466, 506 through 520, 524, 530, 556, 560, 572, 601, 607 through 618, 638, 648, and 699	Any deer, except buck only in GMUs 506, 530
	Nov. 19 - Dec. 31	Nov. 24 - Dec. 31	Nov. 23 - Dec. 31	407, 410, 454, 505, 603, 624, 627, 642, 652, 660 through 672	Any deer
Eastern Washington Mule Deer	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	209, 215, 233, 243, 247, 250	3 pt. min.
				145, 163, 178	Antlerless

Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
				272, 346, 352, 364, 368	3 pt. min. or antlerless
Eastern Washington Whitetail Deer	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	101	Any whitetail deer
	Nov. 20 - Dec. 15	Nov. 20 - Dec. 15	Nov. 20 - Dec. 15	105, 117, 121, 124	Any whitetail deer
				127	3 pt. min. or antlerless whitetail
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	145, 163, 178	3 pt. min. or antlerless whitetail
				204, 209, 215, 233, 243, 247, 250, 272	Any whitetail deer

MUZZLELOADER DEER SEASONS

License Required: A valid big game hunting license, which includes a deer species option.
Tag Required: Valid muzzleloader deer tag on his/her person for the area hunted.
Hunting Method: Muzzleloader only.
Special Notes: Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment.

Hunt Area	2003 Dates	2004 Dates	2005 Dates	Game Management Units (GMUs)	Legal Deer
High Buck Hunts	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten and Olympic Peninsula Wilderness areas, Lake Chelan Recreation Area and that part of the Henry Jackson Wilderness Area west of the Pacific Crest Trail	3 pt. min.
Early Muzzleloader Deer Seasons					
Western Washington Blacktail Deer	Oct. 4-10	Oct. 2-8	Oct. 1-7	407, 418, 426, 448, 450, 501, 504, 505, 513, 520, 530, 554, 568, 603, 612, 624, 627, 638, 642, 660, 663, 672, 673, 684	Any buck
				410, 454, 564, 652, 666	Any deer
				437, 578	2 pt. min.
Eastern Washington Whitetail Deer	Oct. 4-10	Oct. 2-8	Oct. 1-7	204, 209, 233, 239, 243, 244, 245, 246, 250, 251, 278, 284	Whitetail, any buck
				133, 142, 145, 149, 181, 381	Whitetail, 3 pt. min. or antlerless
				101, 108, 111, 117, 121, 124	Whitetail, any deer
Eastern Washington Mule Deer	Oct. 4-10	Oct. 2-8	Oct. 1-7	101, 108, 111, 117, 121, 124, 133, 204, 209, 233, 239, 243, 244, 245, 246, 250, 251, 278, 284, 328, 330 through 342, 352 through 360, 368, 382	Mule deer, 3 pt. min.
				142, 145, 149, 181, 381	Mule deer, 3 pt. min. or antlerless
Late Muzzleloader Deer Seasons					
Western Washington Blacktail Deer	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	410, 501, 504, 564, 633, 651, 666, 673, 684, and Deer Area 4926	Any deer
				654	2 pt. min.
				407, 460, 550, 602	Any buck
	Nov. 19 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	578	2 pt. min.
Eastern Washington Whitetail Deer	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	113	Whitetail, any deer
				130, 139, 172, 181	Whitetail, 3 pt. min. or antlerless
Eastern Washington Mule Deer	Nov. 20-30	Nov. 20-30	Nov. 20-30	381, 382	3 pt. min.
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	130, Deer Area 3081	3 pt. min. or antlerless

FIREARM RESTRICTED DEER HUNTS OPEN TO ALL DEER HUNTERS

License Required: Hunting license.
Tag Required: Valid modern firearm, archery or muzzleloader deer tag on his/her person for the area hunted.
Hunting Method: Must use weapon in compliance with tag. Firearm restrictions apply in some GMUs. In firearm restriction areas, modern firearm hunters may hunt with a muzzleloader equipped with a scope.

Firearm Restricted Hunts Open To All Deer Hunters					
Hunting license and deer tag required. Must use hunting method in compliance with tag. Check firearm restrictions. Archery, shotgun, muzzleloader or revolver type handgun only. Hunter orange required.					
Hunt Area	**2003 Dates**	**2004 Dates**	**2005 Dates**	**Game Management Units (GMUs)**	**Legal Deer**
Western Washington Blacktail Deer	Oct. 11-31	Oct. 16-31	Oct. 15-31	410, Vashon and Maury Islands	Any deer
	Nov. 19 - Dec. 31	Nov. 24 - Dec. 13	Nov. 23 - Dec. 31	564	Any deer
	Sept. 1 - Dec. 31	Sept. 1 - Dec. 31	Sept. 1 - Dec. 31	Indian Island Restricted Access*	Any deer
*Archery only except for one day persons of disability hunt. Archers must qualify during the June to August period to hunt. For information call Bill Kalina at 360-396-5353.					

SPECIAL DEER PERMIT HUNTING SEASONS

(Open to Permit Holders Only)

Hunters must purchase a deer hunting license prior to purchase of a permit application.

Hunt Name	2003 Permit Season	Special Restrictions	Boundary Description	2003 Permits
Modern Firearm Deer Permit Hunts (Only modern firearm deer tag holders may apply.)				
Hunters may hunt only with weapon in compliance with tag.				
Sherman	Oct. 11-24	Whitetail, antlerless	GMU 101	100
Kelly Hill	Oct. 11-24 & Nov. 10-19	Whitetail, antlerless	GMU 105	150
Douglas	Oct. 11-24 & Nov. 10-19	Whitetail, antlerless	GMU 108	250
Aladdin	Oct. 11-24 & Nov. 10-19	Whitetail, antlerless	GMU 111	100
Selkirk	Oct. 11-24 & Nov. 10-19	Whitetail, antlerless	GMU 113	50
49 Degrees North	Oct. 11-24 & Nov. 10-19	Whitetail, antlerless	GMU 117	200
Huckleberry A	Oct. 11-24 & Nov. 10-19	Whitetail, antlerless	GMU 121	700
Mt. Spokane A	Oct. 11-24 & Nov. 10-19	Whitetail, antlerless	GMU 124	400
Mica Peak A	Oct. 11-24	Whitetail, antlerless	GMU 127	200
Cheney A	Oct. 11-24	Antlerless	GMU 130	200
Roosevelt	Oct. 11-24	Antlerless	GMU 133	400
Harrington	Oct. 11-24	Antlerless	GMU 136	125
Steptoe	Oct. 11-24 & Nov. 10-19	Antlerless	GMU 139	300
Almota A	Oct. 11-24 & Nov. 10-19	Antlerless	GMU 142	250
Mayview A	Oct. 11-19	Antlerless	GMU 145	350
Mayview B	Nov. 3-16	Antlerless	GMU 145	350
Prescott A	Nov. 3-16	Antlerless	GMU 149	400
Prescott B	Nov. 3-16	Antlerless	Deer Area 1020	150
Blue Creek	Nov. 3-16	Whitetail, antlerless	GMU 154	225
Dayton A	Nov. 3-16	Whitetail, antlerless	GMU 162	350
Dayton B	Nov. 3-16	Antlerless	Deer Area 1010	50
Marengo A	Nov. 3-16	Whitetail, antlerless	GMU 163	250
Marengo B	Nov. 3-16	Antlerless	GMU 163	75
Peola	Nov. 3-16	Antlerless	GMU 178	75
Blue Mtns. Foothills A	Nov. 3-19	Whitetail, 3 pt. min. or antlerless	GMUs 149, 154, 162-166	100
Blue Mtns. Foothills B	Nov. 3-19	Whitetail, 3 pt. min. or antlerless	GMUs 145, 172-181	50
Couse	Nov. 3-16	Antlerless	GMU 181	50
East Okanogan A	Nov. 1-18	Any whitetail	GMU 204	100
West Okanogan	Nov. 1-18	Any whitetail	GMUs 218-242	100
Sinlahekin A	Nov. 1-18	Any whitetail	GMU 215	50
Sinlahekin B	Nov. 1-18	Whitetail, antlerless	GMU 215	50
Chewuch A	Nov. 1-18	Any buck	GMU 218	15
Pearrygin A	Nov. 1-18	Any buck	GMU 224	20
Gardner A	Nov. 1-18	Any buck	GMU 231	15
Pogue A	Nov. 1-18	Any buck	GMU 233	10
Chiliwist A	Nov. 1-18	Any buck	GMU 239	15
Alta A	Nov. 1-18	Any buck	GMU 242	15
Manson	Nov. 1-18	Any buck	GMU 243	5
Chiwawa A	Nov. 1-18	Any buck	GMU 245	40
Slide Ridge A	Nov. 1-18	Any buck	GMU 246	15
Entiat A	Nov. 1-18	Any buck	GMU 247	50
Big Bend A	Oct. 11-19	Antlerless	GMU 248	75
Big Bend B	Nov. 1-18	Antlerless	GMU 248	75
Swakane A	Nov. 1-18	Any buck	GMU 250	45
Mission A	Nov. 1-18	Any buck	GMU 251	30
Mission B	Oct. 11-24	Antlerless	GMU 251	125
St. Andrews	Oct. 11-19	Antlerless	GMU 254	75
Foster Creek A	Oct. 11-19	Antlerless	GMU 260	150
Foster Creek B	Nov. 1-18	Antlerless	GMU 260	150
Withrow A	Oct. 11-19	Antlerless	GMU 262	75
Badger	Nov. 1-18	Antlerless	GMU 266	100
Ritzville (Kahlotus) A	Nov. 1-18	3 pt. min. or antlerless	GMU 284	30
Desert A	Nov. 1-15	Any deer	GMU 290	15
Desert B	Dec. 1-7	Antlerless	GMU 290	50
Lakeview A	Dec. 9 - Jan 31, 2004	Antlerless	Deer Area 2011	30
Naneum	Oct. 11-19	Antlerless	GMU 328	30
Quilomene A	Nov. 1-18	Any buck	GMU 329	78
Teanaway A	Oct. 11-19	Antlerless	GMU 335	30
Taneum	Oct. 11-19	Antlerless	GMU 336	20
Nile A	Oct. 11-19	Antlerless	GMU 352	20
Bethel A	Nov. 3-16	Any buck	GMU 360	10
Cowiche A	Oct. 11-19	Antlerless	GMU 368	20
Cowiche B	Nov. 3-16	Any buck	GMU 368	15
Alkali A	Nov. 27 - Dec. 6	Any buck	GMU 371	77
Alkali B	Nov. 27 - Dec. 6	Antlerless	GMU 371	80
Whitcomb B	Sept. 6-14	Antlerless	Deer Area 3071	5
East Klickitat A	Oct. 11-19	3 pt. min. or antlerless	GMU 382	40

Hunt Name	2003 Permit Season	Special Restrictions	Boundary Description	2003 Permits
Sauk	Nov. 13-16	2 pt. min.	GMU 437	25
Stillaguamish	Nov. 13-16	2 pt. min.	GMU 448	10
Snoqualmie	Nov. 13-16	Any buck	GMU 460	25
Green River A	Oct. 25-31	Any buck	GMU 485	10
Lincoln A	Oct. 11-31	Any deer	GMU 501	40
Stella A	Oct. 11-31	Any deer	GMU 504	35
Mossyrock A	Oct. 11-31	Any deer	GMU 505	85
Stormking A	Oct. 11-31	Any deer	GMU 510	30
South Rainier A	Oct. 11-31	Any deer	GMU 513	30
Packwood A	Oct. 11-31	Any deer	GMU 516	50
Winston A	Oct. 11-31	Any deer	GMU 520	50
Yale A	Oct. 11-31	Any deer	GMU 554	15
Toutle A	Oct. 11-31	Any deer	GMU 556	25
Marble A	Oct. 11-31	2 pt. min. or antlerless	GMU 558	20
Lewis River A	Oct. 11-31	Any deer	GMU 560	35
Siouxon A	Oct. 11-31	Any deer	GMU 572	35
Wind River A	Oct. 11-31	2 pt. min. or antlerless	GMU 574	10
Wind River B	Nov. 13-16	2 pt. min.	GMU 574	35
West Klickitat A	Oct. 11-31	2 pt. min. or antlerless	GMU 578	30
West Klickitat B	Nov. 13-16	2 pt. min	GMU 578	45
Grayback A	Oct. 11-31	2 pt. min. or antlerless	GMU 588	125
Grayback B	Nov. 13-16	2 pt. min	GMU 588	65
Pysht	Oct. 11-31	Any deer	GMU 603	15
Olympic	Oct. 11-31	Any deer	GMU 621	35
Kitsap	Oct. 11-31	Any deer	GMU 627	20
Wynoochee A	Oct. 11-31	Any deer	GMU 648	110
Wynoochee B	Nov. 1-11	Any buck	GMU 648	10
Satsop A	Nov. 1-11	Any buck	GMU 651	10
North River A	Oct. 11-31	Any deer	GMU 658	70
Minot Peak	Oct. 11-31	Any deer	GMU 660	90
Capitol Peak A	Oct. 11-31	Any deer	GMU 663	30
Capitol Peak B	Nov. 1-11	Any buck	GMU 663	10
Deschutes	Oct. 11-31	Any deer	GMU 666	80
Skookumchuck A	Oct. 11-31	Any deer	GMU 667	160
Skookumchuck B	Nov. 1-11	Any buck	GMU 667	10
Muzzleloader Only Deer Permit Hunts (Only muzzleloader tag holders may apply.)				
Cheney B	Nov. 20 - Dec. 8	Mule deer, 3 pt. min. or antlerless	GMU 130	75
Blue Mtns. Foothills C	Nov. 20 - Dec. 8	Whitetail, 3 pt. min. or antlerless	GMUs 149, 154, 162, 166	60
Green Bluff	Dec. 9-31	Whitetail, antlerless	That portion of GMU 124 east of Hwy 2	90
Wannacut A	Nov. 1-18	Antlerless	GMU 209	50
Chiwawa B	Dec. 9-31	Any buck	GMU 245	15
Foster Creek C	Dec. 1-31	Antlerless	GMU 260	200
Moses Coulee A	Nov. 1-18	Any buck	GMU 269	20
Moses Coulee B	Dec. 1-31	Antlerless	GMU 269	100
Ritzville (Kahlotus) B	Nov. 19-30	Mule deer, 3 pt. min. or antlerless; any white-tailed deer	GMU 284	30
Hooper	Dec. 1-31	Antlerless	Deer Area 2010	20
Lakeview B	Nov. 1-18	Antlerless	Deer Area 2011	10
Desert C	Oct. 19-27	Any deer	GMU 290	6
Quilomene B	Oct. 4-10	Any buck	GMU 329	10
Teanaway B	Oct. 4-10	Antlerless	GMU 335	25
Manastash	Oct. 4-10	Antlerless	GMU 340	25
Cowiche C	Oct. 4-10	Antlerless	GMU 368	10
Alkali C	Dec. 7-14	Any buck	GMU 371	12
Alkali D	Dec. 7-14	Antlerless	GMU 371	15
Esquatzel A	Nov. 20 - Dec. 8	Any deer	GMU 381	100
East Klickitat B	Nov. 22-30	3 pt. min or antlerless	GMU 382	5
West Klickitat B	Nov. 19 - Dec. 8	2 pt. min. or antlerless	GMU 578	30
Mossyrock B	Oct. 4-10	Any deer	GMU 505	10
Stormking B	Oct. 4-10	Any deer	GMU 510	5
South Rainier B	Oct. 4-10	Any deer	GMU 513	5
Packwood B	Oct. 4-10	Any deer	GMU 516	5
Winston B	Oct. 4-10	Any deer	GMU 520	5
Yale B	Oct. 4-10	Any deer	GMU 554	2
Toutle B	Oct. 4-10	Any deer	GMU 556	3
Marble B	Oct. 4-10	2 pt. min. or antlerless	GMU 558	2
Lewis River B	Oct. 4-10	Any deer	GMU 560	5
Siouxon B	Oct. 4-10	Any deer	GMU 572	5
Wind River C	Oct. 4-10	2 pt. min. or antlerless	GMU 574	1
Grayback C	Oct. 4-10	2 pt. min. or antlerless	GMU 588	15
North River B	Oct. 4-10	Any deer	GMU 658	5

Hunt Name	2003 Permit Season	Special Restrictions	Boundary Description	2003 Permits
Archery Only Deer Permit Hunts (Only archery deer tag holders may apply.)				
Chiwawa C	Nov. 20 - Dec. 8	Any buck	GMU 245	10
Big Bend C	Nov. 20 - Dec. 8	Any deer	GMU 248	10
Desert D	Nov. 16-30	Any deer	GMU 290	21
Quilomene C	Nov. 9 - Dec. 2	Any deer	GMU 329	82
Alkali E	Dec. 15-28	Any deer	GMU 371	80
Washougal A	Sept. 15-30	Any deer	GMU 568	30
Special Modern Firearm Deer Permit Hunts for Hunters 65 or older				
Blue Mtns. Foothills B	Oct. 11-19	3 pt. min. or antlerless	GMUs 145, 149	150
East Okanogan B	Oct. 11-24	Any deer	GMU 204	10
Wannacut B	Oct. 11-24	Any deer	GMU 209	10
Sinlahekin C	Oct. 11-24	Any deer	GMU 215	10
Chewuch B	Oct. 11-24	Any deer	GMU 218	10
Pearrygin B	Oct. 11-24	Any deer	GMU 224	10
Gardner B	Oct. 11-24	Any deer	GMU 231	10
Pogue B	Oct. 11-24	Any deer	GMU 233	10
Chiliwist B	Oct. 11-24	Any deer	GMU 239	10
Alta B	Oct. 11-24	Any deer	GMU 242	10
Mission C	Oct. 11-24	Any deer	GMU 251	10
Bridgeport A	Oct. 11-19	Any deer	GMUs 248, 260	10
Palisades A	Oct. 11-19	Any deer	GMUs 266, 269	10
Quilomene D	Nov. 3-16	Antlerless	GMU 329	20
Umtanum A	Nov. 3-16	Antlerless	GMU 342	20
Bethel B	Oct. 11-19	Antlerless	GMU 360	10
Kiona A	Oct. 11-19	Antlerless	GMU 372	15
Esquatzel B	Oct. 11-19	Antlerless	GMU 381	10
East Klickitat C	Oct. 11-19	3 pt. min. or antlerless	GMU 382	15
Lincoln B	Oct. 11-31	Any deer	GMU 501	5
Stella B	Oct. 11-31	Any deer	GMU 504	5
Mossyrock C	Oct. 11-31	Any deer	GMU 505	15
Stormking C	Oct. 11-31	Any deer	GMU 510	5
South Rainier C	Oct. 11-31	Any deer	GMU 513	5
Packwood C	Oct. 11-31	Any deer	GMU 516	5
Winston C	Oct. 11-31	Any deer	GMU 520	5
Yale C	Oct. 11-31	Any deer	GMU 554	5
Toutle C	Oct. 11-31	Any deer	GMU 556	10
Marble C	Oct. 11-31	2 pt. min. or antlerless	GMU 558	5
Lewis River C	Oct. 11-31	Any deer	GMU 560	5
Washougal B	Oct. 11-19	Any deer	GMU 568	10
Siouxon C	Oct. 11-31	Any deer	GMU 572	5
Wind River D	Oct. 11-31	2 pt. min. or antlerless	GMU 574	2
West Klickitat C	Oct. 11-31	2 pt. min. or antlerless	GMU 578	5
Grayback D	Oct. 11-31	2 pt. min. or antlerless	GMU 588	20
Williams Creek	Oct. 11-31	Any deer	GMU 673	20
Copalis	Oct. 11-31	Any deer	GMU 642	20
North River C	Oct. 11-31	Any deer	GMU 658	10
Disabled Hunter Deer Permits				
East Okanogan C	Restricted to general, early season by tag choice	Any deer	GMU 204	5
Wannacut C		Any deer	GMU 209	5
Sinlahekin D		Any deer	GMU 215	5
Chewuch C		Any deer	GMU 218	5
Pearrygin C		Any deer	GMU 224	5
Gardner C		Any deer	GMU 231	5
Pogue C		Any deer	GMU 233	5
Chiliwist C		Any deer	GMU 239	5
Alta C		Any deer	GMU 242	5
Mission D	Oct. 11-24	Any deer	GMU 251	5
Bridge Port B	Restricted to general, early season by tag choice	Any deer	GMUs 248, 260	5
Palisades B		Any deer	GMUs 266, 269	5
Quilomene E	Nov. 3-16	Antlerless	GMU 329	10
Umtanum B	Nov. 3-16	Antlerless	GMU 342	10
Nile B	Restricted to general, early season by tag choice	Antlerless	GMU 352	5
Kiona B		Antlerless	GMU 372	10
Esquatzel C		Antlerless	GMU 381	5
East Klickitat D		3 pt. min. or antlerless	GMU 382	5
Green River B		Any deer	GMU 485	5
Lincoln C		Any deer	GMU 501	3
Stella C		Any deer	GMU 504	3
Mossyrock D		Any deer	GMU 505	5
Stormking D		Any deer	GMU 510	3
South Rainier D		Any deer	GMU 513	3
Packwood D		Any deer	GMU 516	3

Hunt Name	2003 Permit Season	Special Restrictions	Boundary Description	2003 Permits
Winston D		Any deer	GMU 520	3
Yale D		Any deer	GMU 554	3
Toutle D		Any deer	GMU 556	5
Marble D		2 pt. min. or antlerless	GMU 558	2
Lewis River D		Any deer	GMU 560	2
Washougal C		Any deer	GMU 568	2
Siouxon D		Any deer	GMU 572	3
Wind River E		2 pt. min. or antlerless	GMU 574	1
West Klickitat D		2 pt. min. or antlerless	GMU 578	3
Grayback E		2 pt. min. or antlerless	GMU 588	10
Capitol Peak C		Any deer	GMU 663	30
Skookumchuck C		Any deer	GMU 667	30
North River D		Any deer	GMU 658	5
Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)				
Modern Firearm				
Blue Mtns. Foothills E	Oct. 11-19	3 pt. min. or antlerless	GMUs 149, 154, 162-163	100
Blue Mtns. Foothills F	Oct. 11-19	3 pt. min. or antlerless	GMUs 145, 172-181	75
East Okanogan D	Oct. 11-24	Any deer	GMU 204	110
Wannacut D	Oct. 11-24	Any deer	GMU 209	20
Sinlahekin E	Oct. 11-24	Any deer	GMU 215	150
Chewuch D	Oct. 11-24	Any deer	GMU 218	200
Pearrygin D	Oct. 11-24	Any deer	GMU 224	100
Gardner D	Oct. 11-24	Any deer	GMU 231	60
Pogue D	Oct. 11-24	Any deer	GMU 233	60
Chiliwist D	Oct. 11-24	Any deer	GMU 239	60
Alta D	Oct. 11-24	Any deer	GMU 242	110
Mission E	Oct. 11-24	Any deer	GMU 251	100
Bridge Port C	Oct. 11-19	Any deer	GMUs 248, 260	100
Palisades C	Oct. 11-19	Any deer	GMUs 266, 269	100
Lakeview C	Oct. 11-19	Any deer	Deer Area 2011	10
Wahluke A	Oct. 11-19	Any deer	GMU 278	50
Quilomene F	Nov. 3-16	Antlerless	GMU 329	75
Umtanum C	Nov. 3-16	Antlerless	GMU 342	75
Cowiche D	Oct. 11-19	Antlerless	GMU 368	15
Esquatzel D	Oct. 11-19	Antlerless	GMU 381	10
Paterson	Sept. 6-14	Antlerless	Deer Area 3072	5
East Klickitat E	Oct. 11-19	Any deer	GMU 382	20
Lincoln D	Oct. 11-31	Any deer	GMU 501	10
Stella D	Oct. 11-31	Any deer	GMU 504	10
Mossyrock E	Oct. 11-31	Any deer	GMU 505	10
Stormking E	Oct. 11-31	Any deer	GMU 510	10
South Rainier E	Oct. 11-31	Any deer	GMU 513	10
Packwood E	Oct. 11-31	Any deer	GMU 516	10
Winston E	Oct. 11-31	Any deer	GMU 520	10
Yale E	Oct. 11-31	Any deer	GMU 554	10
Toutle E	Oct. 11-31	Any deer	GMU 556	60
Marble E	Oct. 11-31	Any deer	GMU 558	10
Lewis River E	Oct. 11-31	Any deer	GMU 560	10
Washougal D	Oct. 11-19	Any deer	GMU 568	10
Siouxon E	Oct. 11-31	Any deer	GMU 572	10
Wind River F	Oct. 11-31	Any deer	GMU 574	15
West Klickitat E	Oct. 11-31	Any deer	GMU 578	15
Grayback F	Oct. 11-31	Any deer	GMU 588	30
Satsop B	Oct. 11-31	Any deer	GMU 651	10
Skookumchuck D	Oct. 11-31	Any deer	GMU 667	60
North River E	Oct. 11-31	Any deer	GMU 658	10
Youth Special Deer Permit Hunts (Must be eligible for the youth hunting license and accompanied by an adult during the hunt.)				
Muzzleloader				
East Okanogan D	Oct 4-10	Any deer	GMU 204	25
Wannacut E	Oct 4-10	Any deer	GMU 209	25
Pogue E	Oct 4-10	Any deer	GMU 233	25
Chiliwist E	Oct 4-10	Any deer	GMU 239	25
Mission F	Oct 4-10	Any deer	GMU 251	20
Wahluke B	Oct 4-10	Any deer	GMU 278	50
Ritzville (Kahlotus) C	Oct 4-10	Any deer	GMU 284	50

Hunt Name	2003 Permit Season	Special Restrictions	Boundary Description	2003 Permits
Special Deer Permits - Second Deer "B" Tag **(Open to all tag types during specified season. Successful applicants may purchase an appropriate second hunting license and tag for an antlerless animal only, within fifteen days of notification by the department. Failure to purchase within fifteen days forfeits the opportunity for a second license.)**				
Hunt Name	**"B" Tag Season**	**Special Restrictions**	**Boundary Description**	**B-Tags**
Huckleberry B	Restricted to general, early season by tag choice	Whitetail, antlerless	GMU 121	150
Mt. Spokane B		Whitetail, antlerless	GMU 124	400
Almota B		Antlerless	GMU 142	300
Islands		Antlerless	GMU 410	100
South Sound		Antlerless	Vashon, Maury, and Anderson islands	125
(Open to modern firearm and archery tag types only. Successful applicants may purchase an appropriate second hunting license and tag for an antlerless animal only, within fifteen days of the published notification deadline by the department. Failure to purchase within fifteen days forfeits the opportunity for a second license.)				
Mica Peak B	Restricted to general, early season by tag choice	Whitetail, antlerless	GMU 127	100

[Statutory Authority: RCW 77.12.047. 03-13-047 (Order 03-129), § 232-28-351, filed 6/12/03, effective 7/13/03.]

WAC 232-28-352 2003-2005 Elk general seasons and 2003 special permits.

Bag Limit: One (1) elk per hunter during the 2003 hunting season except where otherwise permitted by fish and wildlife commission rule.

Hunting Method: Elk hunters must select only one of the hunting methods (modern firearm, archery, or muzzleloader).

Elk Tag Areas: Elk hunters must choose either Eastern or Western Washington to hunt in and buy the appropriate tag for that area.

Any Bull Elk Seasons: Open only to the taking of elk with visible antlers (bull calves are illegal).

Spike Bull Restrictions: Bull elk taken in these GMUs must have at least one antler that is a spike above the ears (does not branch above ears). An animal with branched antlers on both sides is illegal but an animal with a spike on one side is legal in spike only units.

Spike Only GMUs: 145-154, 162-186, 249-251, 328, 329, and 335-368.

3 Point Restriction: Legal bull elk taken must have at least 3 antler points on one side only. Antler points may include eye guards, but at least 2 antler points must be on the upper half of the main beam. All antler points must be at least one (1) inch long, measured from the antler tip to nearest edge of the beam. Antler restrictions apply to all hunters during any open season.

3 Point GMUs: All of Western Washington except for GMUs 454, 564, 568, 574, 578, 588, and Elk Area 4941.

GMUs Closed to Elk Hunting: 418, 437 (except for Elk Area 4941), 485, 490, and 522.

Private Lands Wildlife Management Areas (PLWMAs): Buckrun (PLWMA 201), Kapowsin (PLWMA 401), and Merrill and Ring (PLWMA 600) are closed to hunting, except by permit or written permission from the landowner.

Special Permits: Only hunters with elk tag prefix identified in the Special Elk Permits tables may apply for special bull or antlerless permits. Please see permit table for tag eligibility. Hunters drawn for a special permit may hunt only with a weapon in compliance with their tag and during the dates listed for the hunt.

Elk Tag Areas

Eastern Washington: All 100, 200, and 300 GMUs except permit only for all hunters in GMUs 157 and 371. Modern firearm restrictions in GMU 334.
EA - Eastern Washington Archery Tag
EF - Eastern Washington Modern Firearm General Elk Tag
EM - Eastern Washington Muzzleloader Tag

Western Washington: All 400, 500, and 600 GMUs except closed in GMUs 418, 437 (except for Elk Area 4941), 485, 490, 522, and modern firearm restrictions in portions of GMU 660. GMU 554 is open only for early archery and muzzleloader seasons. Elk Area 6063 in GMU 638 (Quinault) is open to AHE hunters only. Elk hunting by permit only in GMUs 524, 556, 621, 636, and PLWMA 600 (Pysht).
WA - Western Washington Archery Tag
WF - Western Washington Modern Firearm General Elk Tag
WM - Western Washington Muzzleloader Tag

Modern Firearm Elk Seasons

License Required: A valid big game hunting license with an elk tag option.

Tag Required: Valid modern firearm elk tag as listed below on his/her person for the area hunted.

Hunting Method: May use modern firearm, bow and arrow, or muzzleloader, but only during modern firearm seasons.

Hunt Area	Elk Area	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Eastern Washington	EF	111, 113, 117	Oct. 25 - Nov. 2	Oct. 30 - Nov. 7	Oct. 29 - Nov. 6	Any bull
		157, 371				Permit only
		145 through 154, 162 through 186, 249, 251, 328, 329, 335 through 368	Oct. 25 - Nov. 2	Oct. 30 - Nov. 7	Oct. 29 - Nov. 6	Spike bull

Hunt Area	Elk Area	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
		372	Sept. 2-15			Any elk
			Oct. 6-19			Any elk
			Oct. 25 - Nov. 2			Any elk
			Nov. 22 - Dec. 31			Any elk
		101, 105, 108, 121 through 142, and 382	Oct. 25 - Nov. 2	Oct. 30 - Nov. 7	Oct. 29 - Nov. 6	Any elk
Western Washington	WF	407, 448, 460, 466, 503 through 520, 530, 550, 558, 560, 572, 601 through 618, 627 through 633, 638 through 663, and 667 through 684. Except AHE master hunters only in Elk Area 6063	Nov. 1-9	Nov. 6-14	Nov. 5-13	3 pt. min.
		501	Nov. 1-9	Nov. 6-14	Nov. 5-13	3 pt. min. or antlerless
		564, 568, 574 through 588, 666	Nov. 1-9	Nov. 6-14	Nov. 5-13	Any elk
		454	Nov. 1-9	Nov. 6-14	Nov. 5-13	Any bull
		524, 556, 621, 636, and PLWMA 600	Nov. 1-9	Nov. 6-14	Nov. 5-13	Permit only
		Elk Area 6069. Hunters 65 and older, only	Jan. 1-10, 2004	Jan. 1-10, 2005	Jan. 1-10, 2006	Any elk
		Elk Area 6069. Hunters with disabilities, only	Jan. 15-20, 2004	Jan. 15-20, 2005	Jan. 15-20, 2006	Any elk

Archery Elk Seasons

License Required: A valid big game hunting license with an elk tag option.
Tag Required: Valid archery elk tag as listed below on his/her person for the area hunted.
Hunting Method: Bow and arrow only as defined by WAC 232-12-054.
Special Notes: Archery tag holders can hunt only during archery seasons. Archery elk hunters may apply for special bull permits. Please see permit table for tag eligibility for all elk permits.

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Early Archery Elk Seasons						
Eastern Washington	EA	101 through 142, 243, 247, 249, 250, 334	Sept. 8-21	Sept. 8-21	Sept. 8-21	Any elk
		145, 149, 162, 163 through 186	Sept. 8-21	Sept. 8-21	Sept. 8-21	Spike bull
		154, Elk Area 1010, 328, 329, 330, 335, 336, 340, 352, 356, 364	Sept. 8-21	Sept. 8-21	Sept. 8-21	Spike bull or antlerless
Western Washington	WA	454, 564, 568, 574, 578, 588, 652, 666	Sept. 8-21	Sept. 8-21	Sept. 8-21	Any elk
		407, 448, 501 through 505, 550, 554, 558, 560, 572, 624, Elk Area 6061, 654, 660, 663, 667 through 673, 684, and 699	Sept. 8-21	Sept. 8-21	Sept. 8-21	3 pt. min. or antlerless
		460, 466, 506, 510, 513, 516, 520, 530, 601, 602, 603, 607, 612 through 618, 624 through 633, 638 through 648, 651, 653, 658, and 681. AHE hunters only in Elk Area 6063. Permit only in PLWMA 600 in GMU 603	Sept. 8-21	Sept. 8-21	Sept. 8-21	3 pt. min.
Late Archery Elk Seasons						
Eastern Washington	EA	101, 105, 117 through 127	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Any elk
		372	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Any elk
		178, 186	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Antlerless only
		328, 335, 336, 346, 352, 364, 368	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Spike bull or antlerless
		Elk Area 3010	Nov. 20 - Jan. 31, 2004	Nov. 20 - Jan. 31, 2005	Nov. 20 - Jan. 31, 2006	Antlerless only
Western Washington	WA	407, 503, 505, 667, 672, 681, Elk Area 6066 in GMU 660, and 699. Elk Area 6064, except AHE master hunters only in Elk Area 6063 in GMU 638	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	3 pt. min. or antlerless

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
		454, 564, 588, 666	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	Any elk
		603, 612, 615, 638, and 648, except closed in PLWMA 600 in GMU 603	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	3 pt. min.
		506, 520, 530	Nov. 19 - Dec. 7	Nov. 24 - Dec. 7	Nov. 23 - Dec. 7	3 pt. min. or antlerless
		506, 520, 530	Dec. 8-15	Dec. 8-15	Dec. 8-15	3 pt. min.

Muzzleloader Elk Seasons

License Required: A valid big game hunting license with an elk tag option.
Tag Required: Valid muzzleloader elk tag as listed below on his/her person for the area hunted.
Hunting Method: Muzzleloader only as defined by WAC 232-12-051.
Special Notes: Muzzleloader tag holders can only hunt during the muzzleloader seasons and must hunt with muzzleloader equipment. Only hunters with tags identified in the Special Elk Permits tables may apply for special elk permits.

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Early Muzzleloader Elk Seasons						
Eastern Washington	EM	111, 113, 247	Oct. 4-10	Oct. 2-8	Oct. 1-7	Any bull
		101 through 108, 121 through 142	Oct. 4-10	Oct. 2-8	Oct. 1-7	Any elk
		172, 245, 250, 251, 335 through 342, 352 through 360, 368	Oct. 4-10	Oct. 2-8	Oct. 1-7	Spike bull
Western Washington	WM	454, 564, 568, 574, 578, 666, 684	Oct. 4-10	Oct. 2-8	Oct. 1-7	Any elk
		460, 504, 513, 530, 554, 602, 603, 607, 654, 660, 672	Oct. 4-10	Oct. 2-8	Oct. 1-7	3 pt. min.
		501, 652, 663, 667	Oct. 4-10	Oct. 2-8	Oct. 1-7	3 pt. min. or antlerless
Late Muzzleloader Elk Seasons						
Eastern Washington	EM	130 through 142	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Any elk
Western Washington	WM	501, 503, 505, 652	Nov. 19 - Dec. 8	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	3 pt. min. or antlerless
		454, 564, 568, 666, 684	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	Any elk
		574, 578	Nov. 19-30	Nov. 24-30	Nov. 23-30	Any elk
		504, 550, 601, 667	Nov. 19 - Dec. 15	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	3 pt. min.

Special Elk Hunts Open to Specified Tag Holders

License Required: A valid big game hunting license with an elk tag option.
Tag Required: Proper elk tags are listed with each GMU below.
Hunting Method: Hunters must use method listed on their tag, except in firearm restriction areas, where some types of weapons are banned from use. See elk tag required, dates, and legal elk in table below. In firearm restriction areas modern firearm hunters may hunt with a muzzleloader equipped with a scope.

Hunt Area	Elk Tag	Game Management Units (GMUs)	2003 Dates	2004 Dates	2005 Dates	Legal Elk
Eastern Washington	EA, EM, EF	127 through 142, advanced hunter education master hunters only	Dec. 9-31	Dec. 9-31	Dec. 9-31	Any elk
		203-248, 250, 254-290, and 381 except closed within 1/2 mile of the Columbia River in Douglas and Grant counties	Oct. 28 - Nov. 15	Oct. 27 - Nov. 15	Oct. 26 - Nov. 15	Any elk
	EA, EM, EF	Elk Areas 3911 and 3912 advanced hunter education master hunters only	Aug. 1 - Feb. 28, 2004	Aug. 1 - Feb. 28, 2005	Aug. 1 - Feb. 28, 2006	Antlerless only
Western Washington	WM	Elk Area 4941 (muzzleloader only)	Nov. 1 - Jan. 31, 2004	Nov. 1 - Jan. 31, 2005	Nov. 1 - Jan. 31, 2006	Any elk
	WA	Elk Area 4941 (archery only)	Oct. 1-31	Oct. 1-31	Oct. 1-31	Any elk

Special Elk Permit Hunting Seasons (Open to Permit Holders Only)

Permit hunters may hunt only with a weapon in compliance with their tag. Applicants must have purchased the proper tag for these hunts (see elk tag prefix required to apply for each hunt).

Hunt Name	2003 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	2003 Permits
Modern Firearm Bull Permit Hunts (Only modern firearm elk tag holders may apply.)					
Watershed	Nov. 1-9	3 pt. min. or Antlerless	EA, EF, EM	GMU 157	40
Wenaha A	Oct. 25 - Nov. 2	Any bull	EF	GMU 169	5
Mountain View A	Oct. 25 - Nov. 2	Any bull	EF	GMU 172	4
Mission	Oct. 25 - Nov. 2	Any bull	EF	GMU 251	5
Naneum A	Oct. 20 - Nov. 2	Any bull	EF	GMU 328	19
Quilomene A	Oct. 20 - Nov. 2	Any bull	EF	GMU 329	20
Teanaway A	Oct. 20 - Nov. 2	Any bull	EF	GMU 335	12

Hunt Name	2003 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	2003 Permits
Peaches Ridge A	Oct. 20 - Nov. 2	Any bull	EF	GMUs 336, 346	98
Little Naches A	Oct. 1-10	Any bull	EF	GMU 346	20
Observatory A	Oct. 20 - Nov. 2	Any bull	EF	GMUs 340, 342	51
Goose Prairie A	Oct. 20 - Nov. 2	Any bull	EF	GMUs 352, 356	205
Bethel A	Oct. 20 - Nov. 2	Any bull	EF	GMU 360	130
Rimrock A	Oct. 20 - Nov. 2	Any bull	EF	GMU 364	125
Cowiche A	Oct. 20 - Nov. 2	Any bull	EF	GMU 368	33
Margaret A	Nov. 1-9	3 pt. min.	WF	GMU 524	18
Toutle A	Nov. 1-9	3 pt. min.	WF	GMU 556	89
Matheny	Oct. 1-10	3 pt. min.	WA, WF, WM	GMU 618	3
Olympic A	Nov. 1-9	3 pt. min.	WF	GMU 621	21
Skokomish A	Nov. 1-9	3 pt. min.	WF	GMU 636	3
Modern Firearm Elk Permit Hunts (Only modern firearm elk tag holders may apply.)					
Aladdin A	Oct. 25 - Nov. 2	Any elk	EF	GMU 111	10
Selkirk A	Oct. 25 - Nov. 2	Any elk	EF	GMU 113	10
49 Degrees North	Oct. 25 - Nov. 2	Any elk	EF	GMU 117	15
Blue Creek A	Oct. 25 - Nov. 2	Antlerless	EF	GMUs 149, 154	100
Dayton A	Oct. 25 - Nov. 2	Antlerless	EF	GMU 163 and Elk Area 1011	200
Dayton B	Oct. 25 - Nov. 2	Antlerless	EF	GMU 149 and Elk Area 1012	75
Malaga A	Aug. 16 - Sept. 28	Antlerless	EF	Elk Area 2032	100
Malaga B	Sept. 6-21	Any elk	EF	Elk Area 2032	5
Malaga C	Nov. 3 - Jan. 31, 2004	Antlerless	EF	Elk Area 2032	150
Malaga D	Nov. 3-16	Any elk	EF	Elk Area 2032	5
Malaga E	Dec. 13-21	Any elk	EF	Elk Area 2032	5
Malaga F	Jan. 1-18, 2004	Any elk	EF	Elk Area 2032	5
Peshastin A	Aug. 16-25	Antlerless	EF	Elk Area 2033	20
Peshastin B	Aug. 18-25	Any elk	EF	Elk Area 2033	5
Peshastin C	Sept. 16 - Oct. 3	Antlerless	EF	Elk Area 2033	20
Peshastin D	Sept. 21-29	Any elk	EF	Elk Area 2033	5
Peshastin E	Nov. 30 - Jan. 31, 2004	Antlerless	EF	Elk Area 2033	20
Peshastin F	Dec. 15 - Jan. 31, 2004	Any elk	EF	Elk Area 2033	5
West Bar A	Oct. 25-29	Antlerless	EF	GMU 330	10
West Bar B	Oct. 30 - Nov. 2	Antlerless	EF	GMU 330	10
Teanaway B	Oct. 25 - Nov. 2	Antlerless	EF	GMU 335	30
Taneum A	Oct. 25 - Nov. 2	Antlerless	EF	GMU 336	200
Manastash A	Oct. 25 - Nov. 2	Antlerless	EF	GMU 340	400
Umtanum A	Oct. 25 - Nov. 2	Antlerless	EF	GMU 342	400
Cleman	Dec. 9-31	Antlerless	EF	Elk Area 3944	100
Little Naches B	Oct. 25 - Nov. 2	Antlerless	EF	GMU 346	250
Nile A	Oct. 25 - Nov. 2	Antlerless	EF	GMU 352	160
Bumping B	Oct. 25 - Nov. 2	Antlerless	EF	GMU 356	110
Bethel B	Oct. 25 - Nov. 2	Antlerless	EF	GMU 360	100
Rimrock B	Oct. 25 - Nov. 2	Antlerless	EF	GMU 364	200
Cowiche B	Oct. 25 - Nov. 2	Antlerless	EF	GMU 368	200
Alkali A	Oct. 25 - Nov. 2	Any elk	EF	GMU 371	100
Willapa Hills A	Nov. 1-9	Antlerless	WF	GMU 506	35
Raymond A	Nov. 6-10	3 pt. min. or antlerless	WF	Elk Area 6010	20
Raymond B	Dec. 16-31	Antlerless	WF	Elk Area 6010	30
Raymond C	Jan. 1-31, 2004	Antlerless	WF	Elk Area 6010	15
Raymond D	Feb. 1-28, 2004	Antlerless	WF	Elk Area 6010	15
Winston A	Nov. 1-9	Antlerless	WF	GMU 520	12
Margaret B	Nov. 1-9	Antlerless	WF	GMU 524	20
Ryderwood A	Nov. 1-9	Antlerless	WF	GMU 530	32
Coweeman A	Nov. 1-9	Antlerless	WF	GMU 550	15
Toutle B	Nov. 1-9	Antlerless	WF	GMU 556	35
Marble A	Nov. 1-9	Antlerless	WF	GMU 558	50
Carlton	Oct. 1-10	3 pt. min.	WF	Elk Area 5057	5
West Goat Rocks	Oct. 1-10	3 pt. min.	WF	Elk Area 5058	5
Mt. Adams	Oct. 1-10	3 pt. min.	WF	Elk Area 5059	5
Lewis River A	Nov. 1-9	Antlerless	WF	GMU 560	60
Siouxon A	Nov. 1-9	Antlerless	WF	GMU 572	40
Dungeness A	Oct. 1-15	Any elk	WF	Elk Area 6071	10
Dungeness B	Nov. 1-15	Any elk	WF	Elk Area 6071	10
Dungeness C	Jan. 5-20, 2004	Any elk	WF	Elk Area 6071	20
Dungeness D	Feb. 1-15, 2004	Any elk	WF	Elk Area 6071	20
Twin Satsop A	Dec. 1-15	Antlerless	WF	Elk Area 6061	30
Twin Satsop B	Jan. 5-15, 2004	Antlerless	WF	Elk Area 6061	10
Chehalis Valley A	Sept. 15-30	Antlerless	WF	Elk Area 6066	10
Chehalis Valley B	Oct. 1-31	Antlerless	WF	Elk Area 6066	10
Chehalis Valley C	Nov. 6-10	Antlerless	WF	Elk Area 6066	30
Chehalis Valley D	Nov. 15-30	Antlerless	WF	Elk Area 6066	15
Chehalis Valley E	Feb. 1-28, 2004	Antlerless	WF	Elk Area 6066	15

Hunt Name	2003 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	2003 Permits
North Minot A	Oct. 20-31	Antlerless	WF	Elk Area 6067	60
Deschutes	Jan. 15-23, 2004	Antlerless	WF	GMU 666	10
Williams Creek	Nov. 5-9	Antlerless	WF	GMU 673	40
North Shore A	Nov. 5-9	Antlerless	WF	Elk Area 6068	5
Muzzleloader Bull Permit Hunts (Only muzzleloader elk tag holders may apply.) Note: Fire closures may limit access during early October seasons.					
Wenaha B	Oct. 4-10	Any bull	EM	GMU 169	1
Mountain View B	Oct. 4-10	Any bull	EM	GMU 172	1
Naneum B	Oct. 4-10	Any bull	EM	GMU 328	4
Quilomene B	Oct. 4-10	Any bull	EM	GMU 329	5
Teanaway C	Oct. 4-10	Any bull	EM	GMU 335	3
Peaches Ridge B	Oct. 4-10	Any bull	EM	GMUs 336, 346	15
Observatory B	Oct. 4-10	Any bull	EM	GMUs 340, 342	14
Goose Prairie B	Oct. 4-10	Any bull	EM	GMUs 352, 356	35
Bethel C	Oct. 4-10	Any bull	EM	GMU 360	23
Rimrock C	Oct. 4-10	Any bull	EM	GMU 364	20
Cowiche C	Oct. 4-10	Any bull	EM	GMU 368	10
Margaret C	Oct. 4-10	3 pt. min.	WM	GMU 524	4
Toutle C	Oct. 4-10	3 pt. min.	WM	GMU 556	18
Olympic B	Oct. 4-10	3 pt. min.	WM	GMU 621	4
Skokomish B	Oct. 4-10	3 pt. min.	WM	GMU 636	2
Muzzleloader Permit Hunts (Only muzzleloader elk tag holders may apply.)					
Aladdin B	Oct. 4-10	Any elk	EM	GMU 111	10
Selkirk B	Oct. 4-10	Any elk	EM	GMU 113	10
Blue Creek B	Dec. 1, 2003 - Jan. 31, 2004	Antlerless	EM	GMUs 149, 154	60
Columbia A	Dec. 1-31	Antlerless	EM	Elk Area 1011 and GMU 163	100
Columbia B	Jan. 1-31, 2004	Antlerless	EM	Elk Area 1011 and GMU 163	100
Columbia C	Dec. 20 - Jan. 31, 2004	Antlerless	EM	Elk Area 1012 and GMU 149	60
West Bar C	Oct. 1-10	Antlerless	EM	GMU 330	10
Teanaway D	Oct. 4-10	Antlerless	EM	GMU 335	50
Taneum B	Oct. 4-10	Antlerless	EM	GMU 336	150
Manastash B	Oct. 4-10	Antlerless	EM	GMU 340	150
Umtanum B	Oct. 4-10	Antlerless	EM	GMU 342	300
Nile B	Oct. 4-10	Antlerless	EM	GMU 352	50
Bumping B	Oct. 4-10	Antlerless	EM	GMU 356	100
Bethel D	Oct. 4-10	Antlerless	EM	GMU 360	50
Cowiche D	Oct. 4-10	Antlerless	EM	GMU 368	250
Alkali B	Oct. 4-10	Any elk	EM	GMU 371	50
Stella A	Nov. 26 - Dec. 15	Antlerless	WM	GMU 504	75
Stella B	Jan. 1-16, 2004	Antlerless	WM	GMU 504	50
Toledo A	Jan. 1-16, 2004	Antlerless	WM	Elk Area 5029	30
Malaga G	Oct. 4-24	Antlerless	EM	Elk Area 2032	100
Malaga H	Oct. 4-24	Any elk	EM	Elk Area 2032	10
Mossyrock A	Jan. 1-16, 2004	Antlerless	WM	Elk Area 5052	20
Randle A	Jan. 1-16, 2004	Antlerless	WM	Elk Area 5053	15
Boistfort	Jan. 1-16, 2004	Antlerless	WM	Elk Area 5054	40
Willapa Hills B	Nov. 19 - Dec. 14	Antlerless	WM	GMU 506	15
Green Mt. A	Jan. 1-16, 2004	Antlerless	WM	Elk Area 5051	30
Winston B	Nov. 19 - Dec. 14	Antlerless	WM	GMU 520	3
Margaret D	Nov. 19 - Dec. 14	Antlerless	WM	GMU 524	5
Ryderwood B	Oct. 4-10	Antlerless	WM	GMU 530	8
Coweeman B	Nov. 19 - Dec. 14	Antlerless	WM	GMU 550	5
Toutle D	Nov. 19 - Dec. 14	Antlerless	WM	GMU 556	10
Marble B	Oct. 4-10	Antlerless	WM	GMU 558	10
Lewis River B	Oct. 4-10	Antlerless	WM	GMU 560	15
Siouxon B	Oct. 4-10	Antlerless	WM	GMU 572	10
Yale	Nov. 26 - Dec. 15	3 pt. min. or antlerless	WM	GMU 554	75
Twin Satsop C	Oct. 6-10	Antlerless	WM	Elk Area 6061	10
North River	Nov. 26 - Dec. 15	Antlerless	WM	GMU 658	20
North Minot B	Oct. 6-10	Antlerless	WM	Elk Area 6067	60
Raymond E	Oct. 1-31	Antlerless	WM	Elk Area 6010	30
Chehalis Valley	Jan. 1-31, 2004	Antlerless	WM	Elk Area 6066	15
Capitol Peak A	Nov. 19 - Dec. 15	Antlerless	WM	GMU 663	10
Capitol Peak B	Dec. 16-31	Antlerless	WM	GMU 663	10
Archery Permit Hunts (Only archery elk tag holders may apply.) Note: Fire closures may limit access during September seasons.					
Wenaha C	Sept. 8-21	Any bull	EA	GMU 169	2
Mountain View C	Sept. 8-21	Any bull	EA	GMU 172	4
Naneum C	Sept. 8-21	Any bull	EA	GMU 328	44
Quilomene C	Sept. 8-21	Any bull	EA	GMU 329	35
Teanaway E	Sept. 8-21	Any bull	EA	GMU 335	61

Hunt Name	2003 Permit Season	Special Restrictions	Elk Tag Prefix	Boundary Description	2003 Permits
Peaches Ridge C	Sept. 8-21	Any bull	EA	GMUs 336, 346	122
Observatory C	Sept. 8-21	Any elk	EA	GMUs 340, 342	65
Goose Prairie C	Sept. 8-21	Any bull	EA	GMUs 352, 356	419
Bethel E	Sept. 8-21	Any bull	EA	GMU 360	120
Rimrock D	Sept. 8-21	Any bull	EA	GMU 364	113
Cowiche E	Sept. 8-21	Any bull	EA	GMU 368	27
Peshastin G	Sept. 8-21	Any elk	EA	Elk Area 2033	20
Margaret E	Sept. 8-21	3 pt. min.	WA	GMU 524	7
Toutle E	Sept. 8-21	3 pt. min.	WA	GMU 556	58
Olympic C	Sept. 8-21	3 pt. min.	WA	GMU 621	6
Mashel A	Jan. 1-15, 2004	Antlerless	WA	Elk Area 6054	40
Skokomish C	Sept. 8-21	3 pt. min.	WA	GMU 636	3
Dungeness E	Sept. 2-15	Any elk	WA	Elk Area 6071	20
Dungeness F	Sept. 16-30	Any elk	WA	Elk Area 6071	20
Dungeness G	Nov. 19 - Dec. 15	Any elk	WA	Elk Area 6071	20
Dungeness H	Dec. 16-31	Any elk	WA	Elk Area 6071	20
Advanced Hunter Education (AHE) Master Hunter Special Elk Permit Hunts (only AHE master hunters may apply).					
Toledo B	Jan. 17-31, 2004	Antlerless	Any elk tag	Elk Area 5029	20
Colockum A	Oct. 4-10	Antlerless	EM	Elk Area 3028 excluding Arthur Coffin Game Reserve	40
Colockum B	Nov. 8-14	Antlerless	EF	Elk Area 3028 excluding Arthur Coffin Game Reserve	40
Mossyrock B	Jan. 17-31, 2004	Antlerless	Any elk tag	Elk Area 5052	20
Randle B	Jan. 17-31, 2004	Antlerless	Any elk tag	Elk Area 5053	15
Quinault Ridge	Oct. 1-10	3 pt. min. or antlerless	Any elk tag	GMU 638	5
Green Mt. B	Jan. 17-31, 2004	Antlerless	Any elk tag	Elk Area 5051	20
Merwin A	Nov. 26 - Dec 15	Antlerless	Any elk tag	Elk Area 5055	10
Merwin B	Jan. 17-31, 2004	Antlerless	Any elk tag	Elk Area 5055	10
Grays River A	Sept. 15-30	Antlerless	Any elk tag	Elk Area 5056	10
Grays River B	Oct. 1-15	Antlerless	Any elk tag	Elk Area 5056	10
Grays River C	Oct. 16-31	Antlerless	Any elk tag	Elk Area 5056	10
Grays River D	Dec. 16-31	Antlerless	Any elk tag	Elk Area 5056	10
Grays River E	Jan. 1-15, 2004	Antlerless	Any elk tag	Elk Area 5056	10
Grays River F	Jan. 16-31, 2004	Antlerless	Any elk tag	Elk Area 5056	10
Grays River G	Feb. 1-14, 2004	Antlerless	Any elk tag	Elk Area 5056	10
Grays River H	Feb. 15-29, 2004	Antlerless	Any elk tag	Elk Area 5056	10
Persons of Disability Only - Special Elk Permit Hunts					
Observatory D	Oct. 20 - Nov. 2	Any elk	EF or EM	GMUs 340, 342	6
Little Naches C	Oct. 1-10	Any elk	EF, EM, EA	GMU 346	6
Little Naches D	Oct. 29 - Nov. 2	Antlerless	EF, EM, EA	GMU 346	10
Centralia Mine A	Oct. 26-27	Antlerless	Any elk tag	Elk Area 6011	2
Centralia Mine B	Nov. 2-3	Antlerless	Any elk tag	Elk Area 6011	2
North Shore B	Oct. 1-31	Antlerless	Any elk tag	Elk Area 6068	5
North Shore C	Dec. 16-31	Antlerless	Any elk tag	Elk Area 6068	5
North Shore D	Jan. 1-31, 2004	Antlerless	Any elk tag	Elk Area 6068	5
North Shore E	Feb. 1-28, 2004	Antlerless	Any elk tag	Elk Area 6068	5
Chehalis Valley F	Dec. 16-31	Antlerless	Any elk tag	Elk Area 6066	15

[Statutory Authority: RCW 77.12.047. 03-13-047 (Order 03-129), § 232-28-352, filed 6/12/03, effective 7/13/03.]

WAC 232-28-426 Repealed. See Disposition Table at beginning of this chapter.

WAC 232-28-427 2003-04 Migratory waterfowl seasons and regulations.

DUCKS

Statewide

Oct. 11-15, 2003 and Oct. 18, 2003 - Jan. 25, 2004, except pintail and canvasback season closed Oct. 18 - Dec. 1, 2003.

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 20-21, 2003.

Daily bag limit: 7 ducks, to include not more than 2 hen mallards, 1 pintail, 4 scaup, 1 canvasback, 2 redheads, 1 harlequin, 4 scoters, and 4 long-tailed ducks.
Possession limit: 14 ducks, to include not more than 4 hen mallards, 2 pintails, 8 scaup, 2 canvasback, 4 redheads, 1 harlequin, 8 scoters, and 8 long-tailed ducks.

COOT (Mudhen)

Same areas, dates (including youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 25 coots.
Possession limit: 25 coots.

COMMON SNIPE

Same areas, dates (except youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 8 snipe.
Possession limit: 16 snipe.

GEESE (except Brant and Aleutian Canada geese)

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 20-21, 2003, statewide except Western Washington Goose Management Areas 2A and 2B.

Daily bag limit: 4 Canada geese.
Possession limit: 8 Canada geese.

Western Washington Goose Seasons

Goose Management Area 1
Island, Skagit, Snohomish counties.

Oct. 11, 2003 - Jan. 4, 2004 for snow, Ross', or blue geese.
Oct. 11-23, 2003 and Nov. 1, 2003 - Jan. 25, 2004 for other geese (except Brant and Aleutian Canada geese).

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.
Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

WRITTEN AUTHORIZATION REQUIRED TO HUNT SNOW GEESE. All persons hunting snow geese in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2002-03 authorization and returned the harvest report prior to the deadline will be mailed a 2003-04 authorization in early October. Hunters who did not possess a 2002-03 authorization or hunters who do not have a WILD ID number must fill out an application (available at Washington department of fish and wildlife, Olympia and regional offices). Application forms must be delivered to a department office no later than September 25 or postmarked on or before September 25 in order for applicants to be mailed a 2003-04 authorization before the season starts. No applications will be accepted after October 31, 2003. Immediately after taking a snow goose into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By January 31, 2004, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2004-05 snow goose season.

Goose Management Area 2A
Cowlitz and Wahkiakum counties, and that part of Clark County north of the Washougal River.

Open in all areas of Area 2A except Ridgefield NWR on the following days from 8:00 a.m. to 4:00 p.m.: Tuesdays, Thursdays, and Saturdays only, Dec. 9, 2003 - Jan. 24, 2004, except closed Dec. 25, 2003 and Jan. 1, 2004. Ridgefield NWR open on the following days from 8:00 a.m. to 4:00 p.m.: Saturdays, Mondays, and Wednesdays only, Dec. 13, 2003 - Jan. 24, 2004.

Goose Management Area 2B
Pacific and Grays Harbor counties.

Open on the following days from 8:00 a.m. to 4:00 p.m.: Saturdays and Wednesdays only, Nov. 15, 2003 - Jan. 4, 2004.

Bag limits for Goose Management Areas 2A and 2B:

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose, and not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose, and not more than 6 snow, Ross', or blue geese.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a culmen (bill) length of 40-50 mm.

Special Provisions for Goose Management Areas 2A and 2B:

The Canada goose season for Goose Management Areas 2A and 2B will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 80 geese. The fish and wildlife commission has authorized the director to implement emergency area closures in accordance with the following quotas: A total of 80 duskys, to be distributed 10 for Zone 1 (Ridgefield NWR); 25 for Zone 2 (Cowlitz County south of the Kalama River); 20 for Zone 3 (Clark County except Ridgefield NWR); 10 for Zone 4 (Cowlitz County north of the Kalama River and Wahkiakum County); 10 for Zone 5 (Pacific County); and 5 for Zone 6 (Grays Harbor County). Quotas may be shifted to other zones during the season to optimize use of the statewide quota and minimize depredation.

Hunting is only permitted by written authorization from the Washington department of fish and wildlife. Hunters who maintained a valid 2002-03 written authorization will be mailed a 2003-04 authorization card prior to the 2003-04 season. New hunters, hunters who do not have a WILD ID number, and those who did not maintain a valid 2002-03 authorization must review goose identification training materials and score a minimum of 80% on a goose identification test to receive written authorization. Hunters who fail a test must wait 28 days before retesting, and will not be issued a reciprocal authorization until that time. Information on training materials and testing dates/locations is available at the Olympia and regional offices.

With written authorization, hunters will receive a harvest report. Hunters must carry the authorization card and harvest report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, cackling, or other subspecies) into possession, hunters must record in ink the information required on the harvest report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site, before 6:00 p.m. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the harvest report, written authorization will be invalidated and the hunter will not be able to hunt Canada geese in Goose Management Areas 2A and 2B for the remainder of the season and the special late Canada goose season. It is unlawful to fail to comply with all provisions listed above for Goose Management Areas 2A and 2B.

Special Late Canada Goose Season for Goose Management Areas 2A and 2B

Open to Washington department of fish and wildlife advanced hunter education (AHE) program graduates and youth hunters (15 years of age or under, who are accompanied by an AHE hunter) possessing a valid 2003-04 southwest Washington Canada goose hunting authorization, in areas with goose damage in Goose Management Areas 2A and 2B on the following days, from 7:00 a.m. to 4:00 p.m.:

Saturdays, Sundays, and Wednesdays, Jan. 31 - Mar. 10, 2004.

Daily bag limit: 4 Canada geese, to include not more than 1 dusky Canada goose.

Possession limit: 8 Canada geese, to include not more than 1 dusky Canada goose.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose (as shown in the Munsell color chart 10 YR, 5 or less) with a culmen (bill) length of 40-50 mm.

Hunters qualifying for the season will be placed on a list for participation in this hunt. Washington department of fish and wildlife will assist landowners with contacting qualified hunters to participate in damage control hunts on specific lands incurring goose damage. Participation in this hunt will depend on the level of damage experienced by landowners. The special late Canada goose season will be closed by emergency action if the harvest of dusky Canada geese exceeds 85 for the regular and late seasons. All provisions listed above for Goose Management Areas 2A and 2B regarding written authorization, harvest reporting, and checking requirements also apply to the special late season; except hunters must confirm their participation at least 24 hours in advance by calling the goose hunting hotline (listed on hunting authorization), and hunters must check out by 5:00 p.m. on each hunt day regardless of success. It is unlawful to fail to comply with all provisions listed above for the special late season in Goose Management Areas 2A and 2B.

Goose Management Area 3

Includes all parts of Western Washington not included in Goose Management Areas 1, 2A, and 2B.

Oct. 11-23, 2003 and Nov. 1, 2003 - Jan. 25, 2004

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

Eastern Washington Goose Seasons

Goose Management Area 4

Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties.

Oct. 11-13, 2003, and Saturdays, Sundays, and Wednesdays only during Oct. 18, 2003 - Jan. 18, 2004; Nov. 11, 27, and 28, 2003; Dec. 25, 26, 29, and 30, 2003; Jan. 1, 2004; and every day Jan. 19-25, 2004.

Goose Management Area 5

Includes all parts of Eastern Washington not included in Goose Management Area 4.

Oct. 11-13, 2003, every day from Oct. 18, 2003 - Jan. 25, 2004.

Bag limits for all Eastern Washington Goose Management Areas:

Daily bag limit: 4 geese, to include not more than 3 snow, Ross', or blue geese.

Possession limit: 8 geese, to include not more than 6 snow, Ross', or blue geese.

BRANT

Open in Skagit and Pacific counties only on the following dates:

Nov. 22, 23, 25, 27, and 28, 2003.
Jan. 17, 18, 21, 24, and 25, 2004.

If the 2003-04 preseason wintering brant population in Skagit County is below 6,000 (as determined by the winter survey in late December/early January), the January 2004 brant season in Skagit County will be canceled.

WRITTEN AUTHORIZATION REQUIRED: All hunters participating in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who held a 2002-03 authorization and reported harvest prior to the deadline will be mailed a 2003-04 authorization in November. Hunters who did not possess a 2002-03 authorization or hunters who do not have a WILD ID number must fill out an application (available at Washington department of fish and wildlife regional offices). Application forms must be delivered to a department office no later than 5:00 p.m. on November 8, or postmarked on or before November 8, after which applicants will be mailed a 2003-04 authorization. Late applications will not be accepted. Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By January 31, 2004, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2004-05 brant season.

Bag limits for Skagit and Pacific counties:

Daily bag limit: 2 brant.
Possession limit: 4 brant.

ALEUTIAN CANADA GEESE AND SWANS

Season closed statewide.

FALCONRY SEASONS

DUCKS, COOTS, AND SNIPE (Falconry)
(Bag limits include geese and mourning doves.)

Oct. 11-15, 2003 and Oct. 18, 2003 - Jan. 25, 2004, statewide.

Daily bag limit: 3, straight or mixed bag with geese and mourning doves during established seasons.
Possession limit: 6, straight or mixed bag with geese and mourning doves during established seasons.

GEESE (Falconry)
(Bag limits include ducks, coot, snipe, and mourning doves.)

Goose Management Area 1: Oct. 11, 2003 - Jan. 4, 2004.
Goose Management Area 2A: Dec. 9, 2003 - Jan. 24, 2004 and Jan. 31 - Mar. 10, 2004.
Goose Management Area 2B: Nov. 15, 2003 - Jan. 4, 2004 and Jan. 31 - Mar. 10, 2004.
Goose Management Areas 3, 4, and 5: Oct. 11-13, 2003, and Nov. 1, 2003 - Jan. 25, 2004.

Daily bag limit for all areas: 3 geese (except brant and Aleutian Canada geese), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.
Possession limit for all areas: 6 geese (except brant and Aleutian Canada geese), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

[Statutory Authority: RCW 77.12.047. 03-16-087 (Order 03-175), § 232-28-427, filed 8/5/03, effective 9/5/03.]

WAC 232-28-515 Trapping seasons and regulations.
Trapping Regulations

To be issued your first Washington State trapping license an individual must pass the Washington State trapper education exam.

A trapping license will only be issued to a trapper that has returned the mandatory trapper report of catch postmarked on or before April 10 of the previous year. A trapper that fails to submit a report of catch must wait one year before purchasing another trapping license. False reports will be considered the same as failure to return the catch report.

It is unlawful to: Trap for wild animals before October 1, and after March 15, in western Washington, except that owners of, or persons legally controlling a property (or their designee) may trap unclassified wild animals that are causing damage or depredating on said property.

It is unlawful to: Place traps or establish drowning wires and weights prior to 7:00 a.m. on the opening date of the trapping season. All opening and closing season dates are inclusive.

Trapping Seasons:

General Western Washington Trapping Seasons (Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, Whatcom counties):

SPECIES	OPENING DATE	CLOSING DATE
Bobcat, Red Fox, and Weasel	November 15, 2003 November 20, 2004 November 19, 2005	February 15, 2004 February 15, 2005 February 15, 2006
Marten, Mink, Muskrat, and Raccoon	November 15, 2003 November 20, 2004 November 19, 2005	January 31, 2004 January 31, 2005 January 31, 2006
Beaver and River Otter	December 13, 2003 December 11, 2004 December 10, 2005	February 15, 2004 February 15, 2005 February 15, 2006

Exceptions to General Western Washington Trapping Seasons:

Game Management Unit 522 (Loo-wit) (Cowlitz and Skamania counties) is closed to all trapping.

Island County
The red fox season is closed.

Lewis County
Green River drainage, above and including Miners Creek drainage, is closed to all trapping except for bobcat and coyote.

Skagit and Whatcom counties
Ross Lake National Recreation Area is closed to all trapping. Red fox season is closed, except within the boundaries of Mount Baker-Snoqualmie and Okanogan National Forests.

Skamania County
The following areas are closed to all trapping, except for bobcat and coyote: Muddy River drainage, above and including Bean Creek drainage; Pine Creek drainage above USFS Road 83; and Green River drainage, above and including Miners Creek drainage.

General Eastern Washington Trapping Seasons (Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima counties):

SPECIES	OPENING DATE	CLOSING DATE
Badger, Beaver, Bobcat, Mink, Muskrat, Raccoon, Red Fox, and Weasel	November 8, 2003 November 13, 2004 November 12, 2005	February 28, 2004 February 28, 2005 February 28, 2006
Marten	December 15, 2003 December 15, 2004 December 15, 2005	January 31, 2004 January 31, 2005 January 31, 2006
River Otter (Season Bag Limit is 6 River Otter in Eastern Washington)	November 8, 2003 November 13, 2004 November 12, 2005	February 28, 2004 February 28, 2005 February 28, 2006

Exceptions to General Eastern Washington Trapping Seasons:

River otter trapping season is closed in all Eastern Washington counties, except that it is open in Chelan, Ferry, Klickitat, Kittitas, Okanogan, Pend Oreille, Spokane, Stevens, and Yakima counties, as well as in the Snake and Walla Walla River drainages.

Chelan County
Beaver season is closed in Swakane and Mudd Creek drainages.

Columbia County
Trapping is not allowed on the Umatilla Tribes Rainwater Wildlife Area in Columbia County, as per their management plan.

Kittitas County
Beaver season is closed in the following drainages: North fork of Tarpiscan Creek and Umtanum Creek.

Urban Trapping Areas: Special Regulations and Trap Restrictions

The following described areas are closed to the taking of classified furbearing animals, and coyote, opossum, nutria, and skunk, by the use of body-gripping or kill traps **except** by permit under WAC 232-12-141.

Thurston County, within the established city limits (including county islands) of Lacey, Olympia, and Tumwater.

Within Snohomish, King, and Pierce counties: Beginning at the confluence of Snohomish River and Puget Sound; east up Snohomish River to Interstate 5 (I-5); south on I-5 to Interstate 405 (I-405); south on I-405 to I-5; south on I-5 to Pioneer Way; east on Pioneer Way to Waller Road; south on Waller Road to SR 512; west on SR 512 to Highway 7; south on Highway 7 and Highway 507 to Pierce County line; north on Pierce County line to Puget Sound; north along coast to mouth of Snohomish River and point of beginning.

[Statutory Authority: RCW 77.12.047. 03-13-047 (Order 03-129), § 232-28-515, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-28-515, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040. 00-20-032 (Order 00-197), § 232-28-515, filed 9/27/00, effective 10/28/00; 98-01-208 (Order 97-252), § 232-28-515, filed 12/23/97, effective 1/23/98.]

WAC 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules. (1) All freshwater streams and lakes not listed as open for salmon fishing are closed.

(2) County freshwater exceptions to statewide rules:

(a) Adams and Grant counties: All seasons in specific freshwater exceptions to statewide rules apply to inlet and outlet streams of named lakes in Grant and Adams counties.

(b) Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River): Lawful to fish to base of all dams.

(c) Benton County: Rivers, streams and beaver ponds open year around.

(d) Ferry and Lincoln counties: Except those tributaries listed under specific water exceptions to statewide rules, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barnaby and Nancy creeks: Trout: Daily limit 5, no minimum size.

(e) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Last Saturday in April through October 31 season. Trout: No minimum length.

(3) Specific freshwater exceptions to statewide rules:

Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through August 31 and November 1 through March 15 season. Trout: Minimum length fourteen inches. Release wild cutthroat. Release all steelhead June 1 through August 31.

From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Aldrich Lake (Mason County): Last Saturday in April through October 31 season.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with a motor permitted. Trout: Daily limit two, minimum length twelve inches.

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules, except electric motors allowed. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout missing adipose fin. Additional season October 1 through November 30 and March 1 through last Saturday in April. Selective gear rules except electric motors allowed. All species: Release all fish.

American Lake (Pierce County): Chumming permitted.

American River (Yakima County): Selective gear rules.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and all species: Release all fish.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Baker River (Skagit County): Mouth to Highway 20 Bridge: September 1 through October 31 season. Nonbuoyant lure restriction and night closure. Trout: Minimum length fourteen inches, except Dolly Varden/Bull Trout. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only July 1 through July 31. Nonbuoyant lure restriction and night closure. Daily limit 2 sockeye salmon.

Highway 20 Bridge to Baker River fish barrier dam: Closed waters.

Banks Lake (Grant County): Perch: Daily limit twenty-five.

Barnaby Slough (Skagit County): Closed waters.

Battle Ground Lake (Clark County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches or greater in length may be retained.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: From the mouth to the falls (approximately 3/4 mile): Closed waters.

Bear Lake (Spokane County): Juveniles, holders of disability licenses, and licensed adults accompanied by a juvenile only.

Bear River (Pacific County): June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 downstream from the Lime Quarry Road. Upstream from the Lime Quarry Road: Selective gear rules June 1 through March 31. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from mouth to Lime Quarry Road. Daily limit 6 fish of which no more than 2 may be adult fish and of these two fish no more than one may be a wild adult coho. Release adult chinook.

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

Beaver Lake (Clallam County): Selective gear rules except electric motors allowed. Trout: Daily limit one.

Beaver Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Beda Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Benson Lake (Mason County): Last Saturday in April through October 31 season.

Berry Creek (tributary to Nisqually River) (Lewis County): Selective gear rules.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Big Beaver Creek (Whatcom County):

From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Big Beef Creek (Kitsap County): June 1 through August 31 season. Trout: Release all cutthroat trout.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Salmon: Landlocked salmon rules apply.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Big Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground: June 1 through last day in February season. Closed waters: August 16 through October 31 from mouth to Rodgers Street. Rodgers Street to the Highway 101 Bridge: Selective gear rules June 1 through last day in February and night closure August 16 through December 31. From electric weir to upper boundary of Falls View Campground: Selective gear rules June 1 through last day in February. All game fish: Release all fish from mouth to campground. Salmon: Open only August 16 through October 31 from Rodgers Street to the Highway 101 Bridge. Daily limit 4 coho salmon.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

Big River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Wild steelhead may be retained December 1 through last day in February.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules except electric motors permitted. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Black Lake (Okanogan County): Selective gear rules.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Mima Creek, Dempsey Creek, Beaver Creek, Salmon Creek and Blooms Ditch: Selective gear rules. Trout: Minimum length fourteen inches.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters except December 1 through December 31 season from mouth to posted sign at rearing pond outlet. Closed waters: Upstream from cable crossing to posted signs at fence. Nonbuoyant lure restriction and night closure. Only wheelchair-bound anglers may fish from posted signs above rearing pond to posted signs approximately 40 feet downstream at fence including the rearing pond outlet. Trout: Daily limit five. Minimum size 12 inches no more than two fish over 20 inches. Release wild cutthroat, wild steelhead and hatchery steelhead with missing right ventral fin.

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules, except electric motors allowed. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): April 1 through September 30 season.

Bogachiel River (Clallam County), from mouth to Olympic National Park boundary: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to Olympic National Park boundary. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boundary Creek (Clallam County): Closed waters.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to waterfall approximately 2 miles upstream: Closed waters. From waterfall approximately 2 miles upstream of mouth to USFS Road #4930 Bridge: Selective gear rules.

Boxley Creek (North Bend) (King County), from its mouth to the falls located at approximately river mile 0.9: Closed waters.

Boyle Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Boyle Lake are closed waters.

Bradley Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Bridges Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Browns Creek (Pend Oreille County): Fly fishing only.

Browns Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: No more than one fish greater than 11 inches in length may be retained.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

From mouth to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Selective gear rules June 1 through October 31. Whitefish: Additional December 1 through March 31 season. Whitefish gear rules apply.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Butter Creek (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Buttermilk Creek, mouth to confluence of East and West Forks (Okanogan County): Closed waters.

Cady Lake (Mason County): Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. All species: Release all fish.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to forks. Trout: Minimum length fourteen inches. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Calawah River, South Fork (Clallam County) from mouth to Olympic National Park boundary: June 1 through last day in February season. December 1 through last day in February, selective gear rules. Trout: Minimum length fourteen inches.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):

From mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective gear rules.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish.

Canyon Creek (Clark County): Trout: Daily limit five.

Canyon River (Mason County and Grays Harbor County): Closed waters.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: June 1 through July 31 daily limit five, minimum length eight inches. August 1 through March 31 daily limit two, minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Carbon River (Pierce County), from its mouth to Voight Creek: June 1 through March 31 season. Nonbuoyant lure restriction, night closure and single barbless hooks August 1 through November 30. Trout: Minimum length fourteen inches. Voight Creek to Highway 162 Bridge: June 1 through August 15 and December 1 through March 31 season: Trout: Minimum length 14 inches. Salmon: Open only September 1 through November 30 mouth to Voight Creek. Daily limit 6 fish of which no more than 4 may be adult salmon and of these 4 fish no more than 2 may be adult hatchery chinook. Release wild adult chinook and chum salmon.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Bass: Minimum length fourteen inches. Salmon: Landlocked salmon rules apply.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through November 30 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only September 16 through November 30. Daily limit 4 hatchery coho salmon.

From the Rockport-Cascade Road Bridge upstream: June 1 through last day in February season. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen

inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

Cases Pond (Pacific County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Castle Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): April 1 through September 30 season.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to 100 feet upstream of the falls: From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cedar Creek (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. December 1 through last day in February wild steelhead may be retained.

Cedar Creek (Okanogan County), from mouth to Cedar Falls: Closed waters.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Cedar River (King County), from mouth to Cedar Falls: Closed waters.

Chain Lake (Pend Oreille County): Last Saturday in April through October 31 season. Release kokanee.

Chambers Creek Estuary (downstream from markers 400 feet below the Boise-Cascade Dam to the Burlington Northern Railroad Bridge) (Pierce County): July 1 through November 15 season. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules, except electric motors allowed. Trout: Release all trout.

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from Highway 101 Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): June 1 through April 15 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only April 16 through July 31 from mouth to high bridge, October 1 through January 31 from mouth to Porter Bridge, and October 16 through last day in February from Porter Bridge to high bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. October 1 through November 30, mouth to Porter Bridge, release adult chinook. October 16 through November 30, Porter Bridge to High Bridge, release adult chinook. December 1 through January 31, mouth to Porter Bridge, the daily limit may contain no more than one wild adult coho, and release adult chinook. December 1 through last day in February, Porter Bridge to High Bridge, release adult chinook and wild adult coho. Sturgeon: Open year-round from mouth to high bridge on Weyerhaeuser 1000 line.

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort School: June 1 through April 15 season. Trout: Minimum length fourteen inches.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan Hatchery Creek (Chelan County): Closed waters.

Chelan Lake (Chelan County): Closed waters: Within 400 feet of all tributaries south of a line from Purple Point at Stehekin and Painted Rocks. Trout except kokanee and lake trout: Daily limit 5. Release wild cutthroat. Lake trout not counted in daily trout limit. Lake trout no minimum size, no daily limit. Kokanee not counted in daily trout limit. Kokanee daily limit five, no minimum length. Burbot: Set line gear allowed. North of a line between Purple Point at Stehekin and Painted Rocks: April 1 through July 31: All species: Release all fish. Salmon: Open only May 1 through May 31 south of a line from Purple Point to Painted Rocks: Daily limit 1, minimum length 15 inches.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: August 1 through September 30 season. Selective gear rules. Trout: Release wild cutthroat.

Chelan River (Chelan County): Closed waters.

Chewuch River (Chewack River) (Okanogan County), from mouth to Eight Mile Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish.

Upstream from Eight Mile Creek to Pasayten Wilderness boundary: Closed waters June 1 through October 31.

From mouth to Pasayten Wilderness boundary: Additional December 1 through March 31 season. Whitefish gear rules apply.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: June 1 through August 31 season. Trout: Minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout: Minimum length fourteen inches.

Chiwaukum Creek (Chelan County): Mouth to Fool Hen Creek: Closed waters.

Chiwawa River (Chelan County): Mouth to Buck Creek: Closed waters.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Cispus River (Lewis County), from mouth to North Fork: Trout: Release all cutthroat. Additional season November 1 through May 31, release all game fish other than steelhead. Salmon: Open year around. Daily limit 6 fish, of which no more than 2 fish may be adult salmon. Salmon minimum size 8 inches. Release wild coho at all times and release wild chinook January 1 through July 31.

Cispus River, North Fork (Lewis County): Trout: No more than one over twelve inches in length. Release cutthroat.

Clallam River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted. Salmon: Landlocked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through October 31 season.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size. Burbot: Set line gear allowed.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Selective gear rules. Above Cle Elum Lake to outlet of Hyas Lake except Tucquala Lake: Selective gear rules. Additional December 1 through March 31 season mouth to Cle Elum Dam. Whitefish gear rules apply.

Cliff Lake (Grant County): March 1 through July 31 season.

Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout: Minimum length fourteen inches.

Clough Creek (North Bend) (King County): Closed waters.

Clover Creek (Pierce County), within the boundaries of McChord Air Force Base: Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Trout: Minimum length fourteen inches. Release wild cutthroat.

Coal Creek (tributary of Lake Washington) (King County): Closed waters.

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Coffee Pot Lake (Lincoln County): March 1 through September 15 season. Selective gear rules except motors allowed. Trout: Daily limit two. Bass: Daily limit two, maximum length fourteen inches. Crappie: Daily limit ten.

Coldwater Lake (Cowlitz County): Selective gear rules except use of electric motors allowed. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Columbia Basin Hatchery Creek (Grant County): Hatchery outflow to confluence with mainstem Hatchery Creek: Open year-round. Juveniles and holders of disability licenses only. Mainstem Hatchery Creek: Open year-round. Juveniles and licensed adults accompanied by a juvenile only.

Columbia Park Pond (Benton County): Juveniles and holders of disability licenses only. All species: Daily limit of five fish combined.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: Year-round season unless otherwise provided. General species provisions (unless otherwise provided for in this section): Bass: Below Priest Rapids Dam: Daily limit five fish, not more than three of which may be over 15 inches. Trout: Daily limit two fish, minimum length 12 inches, except release all Dolly Varden/Bull Trout. Walleye: Daily limit five fish of which not more than one may be over 24 inches, minimum length 18 inches. Whitefish: Daily limit 15 fish. All other game fish: No daily limit, except release all grass carp.

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

From a true north-south line through Buoy 10 to a line between Rocky Point in Washington to Tongue Point in Oregon: Trout: Release wild cutthroat. Release all trout April 1 through July 31. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Fishing from the north jetty is allowed during salmon

season openings. Salmon: Open only August 1 through March 31. August 1 through August 15, daily limit 2 salmon of which not more than one may be a chinook salmon. Release chum, sockeye, wild coho, chinook less than 24 inches in length, and coho less than 16 inches in length. August 16 through September 30, daily limit 3 salmon of which not more than one may be a chinook salmon. Release sockeye, chum, wild coho, chinook less than 24 inches in length and coho less than 16 inches in length. October 1 through December 31, daily limit 6 fish of which no more than 3 may be adult salmon and not more than one of which may be a chinook salmon. Release chum, sockeye, and wild coho. January 1 through March 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, wild coho and wild chinook. Fishing from the north jetty for salmon open during both Area 1 and Buoy 10 fishery openings.

From the Rocky Point - Tongue Point line to the I-5 Bridge: Trout: Release wild cutthroat. Release all trout April 1 through May 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Salmon: Open only May 16 through March 31. May 16 through July 31 daily limit 6 hatchery jack chinook. August 1 through March 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, and wild coho. Release wild chinook January 1 through March 31.

From the I-5 Bridge to the Highway 395 Bridge at Pasco: Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. August 1 through October 15: Nonbuoyant lure restriction and night closure from Bonneville Dam to The Dalles Dam. Trout: Release wild cutthroat from I-5 Bridge to Bonneville Dam and release all cutthroat in the waters of Drano Lake. Release all trout April 1 through June 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Sturgeon: (1) Sturgeon fishing is closed from Bonneville Dam to a line from a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder to the downstream end of Cascade Island to an Oregon angling boundary on Bradford Island. (2) It is unlawful to fish for sturgeon except with hand-casted lines from shore from Bonneville Dam to a line from the Hamilton Island boat ramp to an Oregon boundary marker on Robins Island. (3) It is unlawful to fish for sturgeon or possess sturgeon taken from a floating device May 1 through July 15 downstream from the Bonneville Dam boating deadline to a line between markers on the shore at Beacon Rock. (4) Release sturgeon September 1 through December 31 from the upstream line of Bonneville Dam and 400 feet below McNary Dam. Salmon: Open only June 16 through December 31 except closed November 1 through December 31 from Beacon Rock to Bonneville Dam. June 16 through July 31, daily limit 6 hatchery jack chinook. August 1 through December 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and sockeye. Release wild coho downstream of Bonneville Dam.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E except Ringold Hatchery waters: Closed waters: Ringold Springs Creek (Hatchery Creek). Trout: Release all trout except hatchery steelhead having both adipose and ventral fin clips may be retained October 1 through March 31. Release hatchery steelhead having only adipose fin clips. Salmon: Open only August 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Ringold Springs Rearing Facility waters (from WDFW markers 1/4 mile downstream from the Ringold wasteway outlet to WDFW markers 1/2 mile upstream from Spring Creek): Open only April 1 through April 15 to fishing from the bank on the hatchery side of the river. Trout: Release all fish except hatchery steelhead having both adipose and ventral fin clips. Release hatchery steelhead having only adipose fin clips.

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): All species: February 1 through October 22 season. Trout: Release all trout. Salmon: Open only August 16 through October 22. Daily limit 6 fish of which no more than 2 fish may be adult salmon.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to midstream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. Trout: Release all trout. Salmon: Open only August 16 through October 22. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device from the boundary marker to the Corps of Engineers safety zone marker. Trout: Release all trout. Sturgeon: Release all sturgeon.

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year-round season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30. Walleye: No minimum size. Daily limit five fish not more than one of which may be longer than 18 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

From bridge at Valley upstream and tributaries: Selective gear rules.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Cooper River (Kittitas County): Mouth to Cooper Lake: Selective gear rules.

Coot Lake (Grant County): April 1 through September 30 season.

Copalis River (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through January 31 from mouth to Carlisle Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Cottage Lake (King County): Last Saturday in April through October 31 season.

Cottonwood Creek (Lincoln County): Year-round season.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): June 1 through August 31 season.

Cougar Lake (near Winthrop) (Okanogan County): September 1 through March 31 season.

Coulter Creek (Kitsap/Mason counties): Trout: Minimum length fourteen inches.

County Line Ponds (Skagit County): Closed waters.

Coweeman River (Cowlitz County), from mouth to Mulholland Creek: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Salmon: Daily limit 6 fish, of which not more than 2 may be adult salmon. Release wild coho. Release wild chinook June 1 through July 31.

Cowlitz River (Lewis County):

From mouth to Mayfield Dam: Year-round season. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. From the barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device. Nonbuoyant lure restriction and night closure April 1 through October 31 from mouth of Mill Creek to the barrier dam. All game fish: Release all fish except steelhead April 1 through May 31. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat. Below Barrier Dam release all steelhead missing right ventral fin. Salmon: Open year-round. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon, except January 1 through April 30 the daily limit may contain no more than 2 adult salmon and May 1 through July 31 the daily limit may contain no more than one adult salmon. Release chum and wild coho August 1 through April 30. Release wild chinook January 1 through July 31. Mill Creek to Blue Creek - release all chinook October 1 through December 31.

From posted PUD sign on Peters Road to mouth of Ohanepecosh River and mouth of Muddy Fork: Year-round season. Trout: Release cutthroat. Salmon: Open year-round from upstream boundary of Lake Scanewa. Daily limit 6 fish of which no more than 2 may be adult salmon. Salmon minimum size 8 inches. Release wild coho. Release wild chinook January 1 through July 31.

Cowlitz River, Clear and Muddy Forks (Lewis County): Trout: Release cutthroat.

Coyote Creek and Ponds (Adams County): April 1 through September 30 season.

Crab Creek (Adams/Grant counties):

From Highway 26 to Morgan Lake Road in Section 36: March 1 through September 30 season.

From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crab Creek (Lincoln/Grant counties) and tributaries: Year-round season. March 1 through May 31 terminal gear restricted to one single hook measuring 3/4 inch or less point to shank in those waters from Grant County Road 7 to the fountain buoy and shoreline markers or 150 feet downstream of the Alder Street fill, and from Moses Lake downstream to the confluence of the outlet streams.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

Cranberry Creek (Mason County), mouth to Lake Limerick: Closed waters.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Crescent Lake (Pierce County): Last Saturday in April through October 31 season.

Crocker Lake (Jefferson County): Closed waters.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Curl Lake (Columbia County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Curley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Cushman Reservoir (Mason County): Salmon: Landlocked salmon rules apply.

Dakota Creek (Whatcom County): Salmon: Open only October 1 through December 31 from mouth to Giles Road Bridge. Daily limit 2 salmon.

Damon Lake (Grays Harbor County): June 1 through October 31 season.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Davis Lake (Lewis County): Last Saturday in April to last day in February season.

Davis Lake (Okanogan County): April 1 through August 31: Selective gear rules except electric motors allowed, and all species: Release all fish.

Davis Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only.

Deadman Lake (Adams County): April 1 through September 30 season.

De Coursey Pond (Pierce County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Deep Creek (Clallam County): December 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead may be retained.

Deep Creek (tributary to Bumping Lake) (Yakima County): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deep Lake (Thurston County): Last Saturday in April through October 31 season.

Deep River (Wahkiakum County): Year-round season. Trout: Minimum length 14 inches. Release wild cutthroat. Salmon: Open year-round only from mouth to town bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31.

Deer Creek (Mason County): Closed waters.

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish) (Skagit County): Closed waters.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout: No more than two over twenty inches in length may be retained.

De Roux Creek (Yakima County): Selective gear rules.

Deschutes River (Thurston County): Closed waters: From 400 feet below lowest Tumwater Falls fish ladder to Old Highway 99 Bridge. From old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From Henderson Boulevard Bridge upstream: Year-round season. Selective gear rules. All game fish: Release all fish except hatchery steelhead. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): Mouth to Bear Creek-Dewatto Road June 1 through last day in February season. Selective gear rules except September 16 through October 31 single point barbless hooks only from mouth to Dewatto-Holly Road Bridge. All game fish species: Release all fish. Salmon: Open only September 16 through October 31 mouth to Dewatto-Holly Road Bridge. Daily limit two coho. Release all salmon other than coho.

Upstream from Bear Creek-Dewatto Road: Selective gear rules. Game fish: Release all fish.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (includes all forks) (Clallam County): June 1 through April 30 season. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to East Fork Dickey, including Olympic National Park. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Highway 101 Bridge. Daily limit 2 chum salmon.

Dot Lake (Grant County): March 1 through July 31 season.

Downs Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Dry Falls Lake (Grant County): April 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Duck Lake (Grays Harbor County): Crappie: Daily limit ten.

Duckabush River (Jefferson County), from mouth to the Olympic National Park Boundary: June 1 through last day in February season except closed September 1 through October 31 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only November 1 through December 15 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Daily limit 2 chum salmon.

Dungeness River (Clallam County):

From mouth to junction of Gray Wolf and Dungeness rivers, October 16 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through December 31 from mouth to the hatchery intake pipe at river mile 11.3. Daily limit 4 hatchery coho salmon.

From junction of Gray Wolf River upstream to Gold Creek - Closed waters.

From junction of Gold Creek upstream to headwaters: Trout: Minimum length fourteen inches.

Dusty Lake (Grant County): March 1 through July 31 season.

Early Winters Creek (Okanogan County): Closed waters.

East Twin River (Clallam County): Trout: Minimum length fourteen inches.

Easton Lake (Kittitas County): Saturday before Memorial Day through October 31 season. Trout: Daily limit five fish of which no more than 2 may be trout other than Eastern brook trout. Minimum length 8 inches.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Echo Lake (Snohomish County): Last Saturday in April through October 31 season.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: June 1 through last day in February season. Single point barbless hooks required August 16 through November 30 downstream of the confluence of the east and middle branches. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from Highway 105 Bridge to the confluence of the East and Middle Branches. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: June 1 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 31. Fishers may not allow their line, lure or bait to remain stationary in the water September 1 through October 31. Trout: Minimum length fourteen inches. Release wild cutthroat. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult chinook. Release chum and wild coho. October 1 through December 31 release chinook upstream of Highway 4 Bridge.

Elwha River (Clallam County): Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through last day in February season, except closed June 1 through September 30 mouth to marker at outfall of rearing channel at about river mile 3.2. Fishing from any floating device prohibited. August

1 through September 30, fly fishing only from mouth to the marker at the outfall of the WDFW rearing channel. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 15. Daily limit 6 coho salmon of which no more than 4 may be adult coho salmon.

From Lake Aldwell upstream to Olympic National Park boundary, including all tributaries except Indian Creek: Selective gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Entiat Falls: December 1 through March 31 season. Whitefish gear rules apply.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Okanogan County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County):

From mouth to Highway 530 Bridge: Year-round season. Trout: Minimum length fourteen inches.

Upstream from Highway 530 Bridge: Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): March 1 through October 31 season. Fishing from any floating device prohibited.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: June 1 through October 31 season. Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park Pond (Lewis County): Last Saturday in April through last day in February season. Juveniles and licensed adults accompanied by a juvenile only.

Fortson Mill Pond # 2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Gadwall Lake (Grant County): April 1 through September 30 season.

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): June 1 through August 31 and November 1 through March 15 season. Trout: Minimum length fourteen inches. Release wild cutthroat. Release steelhead June 1 through August 31.

Gibbs Lake (Jefferson County): Selective gear rules except electric motors allowed. Trout: Release all trout.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. Release steelhead.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to confluence north fork Gold Creek: Closed waters.

Goldsborough Creek (Mason County): Trout: Minimum length fourteen inches.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches. December 1 through last day in February one wild steelhead per day may be retained.

Goodwin Lake (Snohomish County): Chumming permitted.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of disability licenses only.

Goose Lake, Lower (Adams County): Crappie: Not more than five over eight inches in length: Bluegill: Not more than five over six inches in length.

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source (including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year-round season. Selective gear rules September 1 through May 31. Trout: Minimum length ten inches, maximum length twenty inches.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through October 31 season. Selective gear rules. Additional season November 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and hatchery steelhead.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Grass Lake (Mason County): Last Saturday in April through October 31 season.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: September 1 through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: September 1 through October 15 and December 15 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 15. Fishers may not allow their line, lure or bait to remain stationary in the water September 1 through October 15. All game fish: Release all fish except hatchery steelhead. Salmon: Open only September 1 through October 15 from mouth to South Fork. Daily limit 6 fish of which no more than two may be adult salmon. Release chinook, chum, and wild coho.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Trout: Minimum length fourteen inches. Release cutthroat.

Grays River, West Fork (Wahkiakum County), downstream from hatchery intake footbridge: June 1 - August 31 season. Trout: Additional December 15 through March 15 season downstream from hatchery intake footbridge. Release all fish other than hatchery steelhead.

Green Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Green Lake (Lower) (Okanogan County): April 1 through November 30: Selective gear rules, and all species: Release all fish.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: April 1 through November 30 season except closed from 400 feet above to 400 feet below the water intake at the upper end of the hatchery grounds during the period September 1 through November 30 and from 400 feet or posted signs above and below the salmon hatchery rack when the rack is installed in the river. Nonbuoyant lure restriction and night closure September 1 through October 31 from mouth to 400 feet below salmon hatchery rack. All game fish: Release all fish except steelhead. Salmon: Open only April 1 through May 31 from mouth to 400 feet below the water intake at the upper end of the hatchery grounds and June 1 through November 30 from mouth to 2800 Bridge. April 1 through July 31: Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild chinook. August 1 through November 30: Daily limit 6 salmon not more than 3 of which may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. Release chum and wild coho. October 1 through November 30 release chinook.

From 2800 Bridge to source: Closed waters.

Green (Duwamish) River (King County):

From the First Avenue South Bridge to SW 43rd Street/South 180th Street Bridge: June 1 through July 31 and September 16 through last day in February season. Nonbuoyant lure restriction and night closure September 16 through November 30. Fishing from any floating device prohibited November 1 through last day in February. Trout: Minimum length fourteen inches. One wild steelhead per day may be retained July 1 through July 31 and September 16 through November 30. Salmon: Open only September 16 through December 31. Daily limit 6 fish of which not more than 2 may be adult salmon. Release chinook salmon.

From the SW 43rd Street/South 180th Street Bridge to South 277th Street Bridge in Auburn: June 1 through July 31 and October 1 through last day in February season. Nonbuoyant lure restriction and night closure October 1 through November 30. Fishing from any floating device prohibited November 1 through last day in February. Trout: Minimum length fourteen inches. One wild steelhead per day may be retained July 1 through July 31 and October 1 through November 30. Salmon: Open only October 1 through December 31. Daily limit 6 fish of which not more than 2 may be adult salmon. Release chinook salmon.

From the 277th Street Bridge to Auburn-Black Diamond Road Bridge: June 1 through July 31 and October 16 through March 15 season. Nonbuoyant lure restriction and night closure October 16 through November 30. Fishing from a floating device prohibited November 1 through March 15. Trout, minimum length fourteen inches. One wild steelhead per day

may be retained July 1 through July 31 and October 16 through November 30. Salmon: Open only October 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook.

From the Auburn-Black Diamond Road Bridge to the Tacoma Headworks Dam: June 1 through March 15 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Closed waters: Within 150 feet of the Palmer Pond outlet rack and within 150 feet of the mouth of Keta Creek. Trout: Minimum length 14 inches. One wild steelhead per day may be retained July 1 through November 30. Salmon: Open only November 1 through December 31. Daily limit 2 chum salmon.

Greenwater River (King County), from mouth to Greenwater Lakes: Selective gear rules. Trout: Minimum length twelve inches.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

Halfmoon Lake (Adams County): April 1 through September 30 season.

Halfmoon Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Hamilton Creek (Skamania County): Trout: Minimum length twelve inches. Release wild cutthroat. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Selective gear rules. All species: Release all fish.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond (Skagit County): Closed waters.

Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):

From mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 upstream: Selective gear rules.

Harvey Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season.

Haven Lake (Mason County): Last Saturday in April through October 31 season.

Hawk Creek and tributaries (Lincoln County): Year-round season.

Hays Creek and Ponds (Adams County): April 1 through September 30 season.

Headgate Pond (Asotin County): Last Saturday in April through October 31 season. Juveniles, seniors and holders of disability licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hemlock Lake (Trout Creek Reservoir) (Skamania County): Closed waters.

Hen Lake (Grant County): April 1 through September 30 season.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Herman Lake (Adams County): April 1 through September 30 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), from mouth to Olympic National Park boundary below mouth of South Fork: June 1 through April 15 season. Selective gear rules June 1 through October 15 from Willoughby Creek to Morgan's Crossing Boat Launch, June 1 through November 30 from Morgan's Crossing Boat Launch to the mouth of south fork, and December 1 through April 15 from DNR Oxbow Campground Boat Launch to mouth of south fork. Trout: Minimum length fourteen inches. December 1 through April 15, from mouth to DNR Oxbow Campground Boat Launch: Trout: Minimum length fourteen inches and one wild steelhead per day may be retained. Salmon: Open only May 16 through November 30 mouth to Willoughby Creek and October 16 through November 30 Willoughby Creek to Morgan's Crossing Boat Launch. Daily limit 6 fish of which no more than 2 may be adult salmon except May 16 through August 31 from mouth to Willoughby Creek open Wednesday through Sunday only of each week and daily limit may contain no more than one adult salmon.

Hoh River South Fork (Jefferson County), outside Olympic National Park: June 1 through April 15 season. Selective gear rules. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): From mouth to upper Hoko Bridge: Fly fishing only September 1 through October 31. Additional November 1 through March 15 season. Trout: Minimum length fourteen inches. One wild steelhead per day may be retained December 1 through March 15.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Fly fishing only. All species: Release all fish.

Homestead Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to bridge on Dekay Road on mainstem and East Fork mouth to the abandoned flat car bridge downstream of the mouth of Berryman Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except release adult chinook.

Horseshoe Lake (Clark/Cowlitz counties): Trout: No more than 2 trout 20 inches or greater in length may be retained. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit five.

Horsethief Lake (Klickitat County): Last Saturday in April through October 31 season.

Hourglass Lake (Grant County): April 1 through September 30 season.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howell Lake (Mason County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humptulips River (Grays Harbor County), from mouth to forks: June 1 through March 31 season except closed March 1 through March 31 from Highway 101 Bridge to forks. Night closure and single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through January 31 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult coho. October 16 through October 31 the daily limit may contain no more than 1 adult chinook. November 1 through January 31 release adult chinook.

Humptulips River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and Grisdale: Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Humptulips River, West Fork (Grays Harbor County), from mouth to Donkey Creek: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Hutchinson Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion engines prohibited.

Icehouse Lake (Skamania County): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):
From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: Closed waters. From Leavenworth National Fish Hatchery rack upstream to Leland Creek: Selective gear rules.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing: Selective gear rules. Trout: Minimum length twelve inches.

Indian Creek (Yakima County): From mouth to waterfall approximately 5 and three-quarters miles upstream: Closed waters. Upstream of waterfall: Eastern brook trout do not count as part of trout daily limit. Eastern brook trout: No minimum size and no daily limit.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Ingall's Creek (Chelan County): Mouth to Wilderness boundary: Closed waters.

Issaquah Creek (King County): Closed waters.

Jackson Lake (Pierce County): Last Saturday in April through October 31 season.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek (Okanogan County): Year-round season. Juveniles only.

Jefferson Park Pond (Walla Walla County): Juveniles only.

Jennings Park Pond (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

Jimmy-Come-Lately Creek (Clallam County): June 1 through August 31 season. Trout: Minimum length fourteen inches.

Joe Creek (Grays Harbor County): Upstream from State Highway 109 Bridge to Ocean Beach Road Bridge: June 1 through November 30 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1

through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult chinook.

Johns Creek (Mason County): Closed waters.

Johns River, mouth to Ballon Creek including North and South Forks (Grays Harbor County): June 1 through last day in February season. Waters above Ballon Creek, including North and South Forks, are closed. Single point barbless hooks required August 16 through November 30 from mouth to Ballon Creek. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon, except release adult chinook.

Johnson Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Burbot: Set line gear allowed.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. Selective gear rules. From Kachess Lake (Reservoir) upstream to waterfall approximately one-half mile above Mineral Creek: Closed waters.

Kalaloch Creek (Jefferson County), outside Olympic National Park: Closed waters: Those waters within the section posted as the Olympic National Park water supply June 1 through last day in February season. Trout: Minimum length fourteen inches. One wild steelhead per day may be retained December 1 through last day in February.

Kalama River (Cowlitz County): Release wild cutthroat.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year-round season except during the period the temporary fish rack is installed. Waters from two hundred feet above to one thousand five hundred feet below the rack are closed waters. Nonbuoyant lure restriction, night closure, and stationary gear restriction September 1 through October 31 from mouth to one thousand five hundred feet below the rack. Fishing from a floating device equipped with a motor prohibited upstream of Modrow Bridge. September 1 through October 31: Fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery. Trout: Minimum length 20 inches. Salmon: Open year-round. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through July 31. October 1 through December 31 release chinook upstream from natural gas pipeline crossing.

From one thousand feet below to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year-round season. Fishing from a floating device equipped with a motor prohibited. Selective gear rules. Trout: Minimum length 14 inches. Release steelhead in mainstem and tributaries.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fishing from a floating device equipped with a motor prohibited. Fly fishing only. Trout: Minimum length 14 inches. Release steelhead in mainstem and tributaries.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules.

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches, additionally up to sixteen kokanee may be retained. Burbot: Set line gear allowed.

Kelsey Creek (tributary of Lake Washington) (King County): Closed waters.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure October 1 through December 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to northbound Highway 101 Bridge. Barbless hooks required. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

June 1 through October 31 season. Trout: Selective gear rules, minimum length 12 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

Additional season: November 1 through May 31. Whitefish gear rules apply.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season.

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

Kiwanis Pond (Kittitas County): Juveniles and holders of disability licenses only.

Klaus Lake (King County): Last Saturday in April through October 31 season. Closed waters: The inlet and outlet to first Weyerhaeuser spur.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: May 1 through January 31 season. Nonbuoyant lure restriction and night closure

May 1 through May 31. Nonbuoyant lure restriction August 1 through January 31. Game fish: Closed December 1 through January 31. Release game fish other than steelhead May 1 through May 31. Trout: Minimum length twelve inches. Steelhead and salmon: May 1 through May 31 Mondays, Wednesdays and Saturdays only, daily limit 2 hatchery steelhead or 2 salmon or one of each. Salmon: June 1 through January 31 daily limit 6 fish of which no more than 2 may be adult salmon.

From Fisher Hill Bridge to four hundred feet above # 5 fishway: Closed waters.

From four hundred feet above # 5 fishway to the Yakama Indian Reservation boundary: June 1 through November 30 season, except waters from boundary markers above Klickitat salmon hatchery to boundary markers below hatchery are closed waters. Trout: Minimum length twelve inches. Salmon: Open only June 1 through November 30 from 400 feet above No. 5 Fishway to boundary markers below Klickitat Salmon Hatchery. June 1 through July 31: Daily limit 6 salmon. Release adult salmon. August 1 through November 30: Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook November 1 through November 30. Additional December 1 through March 31 season. Whitefish gear rules apply.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds (Clark County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Kress Lake (Cowlitz County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches in length or greater may be retained. Salmon: Landlocked salmon rules apply.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release cutthroat.

Lake Creek (Okanogan County): Mouth to Black Lake: Closed waters. Black Lake to Three Prong Creek: Selective gear rules.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Latah (Hangman) Creek (Spokane County): Year-round season.

Leader Lake (Okanogan County): Last Saturday in April through September 30 season.

Ledbetter Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than two over twelve inches in length.

Lemna Lake (Grant County): April 1 through September 30 season.

Lenice Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Lena Lake, Lower (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17. March 1 through May 31 season: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. All species: Release all fish. Additional season June 1 through November 30: Selective gear rules, except fishing from a floating device equipped with an electric motor permitted. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year-round season. Trout: Minimum length twelve inches. Release wild cutthroat. Salmon: Open year-round. January 1 through July 31 daily limit six fish of which not more than 2 may be adult salmon. August 1 through December 31, daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. Release chum and wild coho August 1 through April 30. Release wild chinook January 1 through July 31.

Lewis River, East Fork (Clark/Skamania counties): Closed waters: From the posted markers at the lower end of Big Eddy to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls upstream including all tributaries above Horseshoe Falls.

Mouth to 400 feet below Horseshoe Falls: June 1 through March 15 season. Trout: Release all trout except up to two hatchery steelhead per day may be retained. Mouth to top boat ramp at Lewisville Park: Additional April 16 through May 31 season. Selective gear rules. Release all fish except up to two hatchery steelhead may be retained per day.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to Colvin Creek: Year-round season except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. Fishing from a floating device prohibited from May 1 through July 31 from Johnson Creek to Colvin Creek. Nonbuoyant lure restriction and night closure April 1 through October 31 upstream from Johnson Creek. Trout: Minimum length twenty inches. Release wild cutthroat. Salmon: Open year-round. January 1 through July 31 daily limit six fish of which not more than 2 may be adult salmon. August 1 through December 31 daily limit 6 fish of which no more

than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. Release chum and wild coho August 1 through April 30. Release wild chinook January 1 through July 31.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: June 16 through September 30 and December 16 through April 30 season. Nonbuoyant lure restriction and night closure April 1 through September 30. Trout: Minimum length twenty inches. Release wild cutthroat. Salmon: Open only August 1 through September 30 and January 1 through April 30. August 1 through September 30: Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. January 1 through April 30: Daily limit 6 salmon not more than 2 of which may be adult salmon. Release chum and wild coho. Release wild chinook January 1 through April 30.

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

Within Lewis River Power Canal: Closed waters.

From Eagle Cliff Bridge to lower falls including all tributaries: Selective gear rules. All species: Release all fish.

Liberty Lake (Spokane County): Last Saturday in April through September 30 season.

Lilliwaup River (Mason County): Mouth to 200 feet below falls: June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Limerick Lake (Mason County): Last Saturday in April through October 31 season.

Lincoln Pond (Clallam County): Juveniles only. Salmon: Landlocked salmon rules apply.

Lions Park Pond (Walla Walla County): Juveniles only.

Little Ash Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

Little Hoko River (Clallam County): Selective gear rules. All species: Release all fish.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Naches River (Yakima County): Selective gear rules.

Little Nisqually River (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Little Pend Oreille River (Stevens County) from the Little Pend Oreille wildlife refuge boundary about 1 mile downstream from the refuge headquarters office to Crystal Falls: Selective gear rules, and all species: Release all fish except up to five Eastern brook trout may be retained.

Little Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road, June 1 through last day in February season. Closed waters: Mouth to Highway 101 Bridge September 1 through October 31. Trout: Minimum length fourteen inches.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year-round season.

From SR 291 Bridge upstream to the West Branch: Last Saturday in April through October 31 season. Additional December 1 through March 31 season. Whitefish gear rules apply.

Upstream from bridge at Frideger Road: Closed waters: From the inlet to Chain Lake upstream one-quarter mile to the railroad crossing culvert. Trout: Release kokanee taken upstream from bridge.

Little Twin Lake (Okanogan County): April 1 through November 30: Selective gear rules and all species: Release all fish.

Little Twin Lake (Stevens County): Last Saturday in April through October 31.

Little Wenatchee River (Chelan County): From Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Closed waters.

Little White Salmon River (Skamania County): Closed waters: From the orange fishing boundary markers at Drano Lake upstream to the intake near the Little White Salmon National Fish Hatchery north boundary. Trout: Daily limit five. Drano Lake (waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery): May 1 through March 15 season, except closed Wednesdays May 1 through May 31. Night closure and nonbuoyant lure restriction May 1 through June 30. Nonbuoyant lure restriction August 1 through December 31. May 1 through June 30 daily limit of two fish, of which two fish one or both may be hatchery steelhead or one or both may be chinook salmon. Trout and salmon: May 1 through June 30 release all fish except hatchery steelhead and chinook salmon. Trout: July 1 through March 15 minimum size twelve inches. Release wild cutthroat. Salmon: Open only August 1 through December 31. Daily limit six fish of which no more than two may be adult salmon.

Lone Lake (Island County): Selective gear rules, except electric motors allowed. Trout: Daily limit one, minimum length 18 inches.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Unlawful to fish from floating devices equipped with motors.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Long Lake (Spokane River Reservoir) (Spokane County): Bass: Release all bass May 1 through June 30.

Long Lake (Thurston County): Last Saturday in April through October 31 season.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Mason County): Last Saturday in April through October 31 season.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From mouth to mouth of Monument Creek: Closed waters.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucas Slough (Skagit County): Closed waters.

Ludlow Lake (Jefferson County): Last Saturday in April through October 31 season.

Lyle Lake (Adams County): April 1 through September 30 season.

Lyre River (Clallam County):

From mouth to falls near river mile 3: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From falls to source: Selective gear rules. All species: Release all fish.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Marshal Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

Mattoon Lake (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

May Creek (tributary of Lake Washington) (King County): Closed waters.

Mayfield Lake (Reservoir) (Lewis County): Mayfield Dam to 400 feet below Mossyrock Dam: Trout and salmon: Minimum length eight inches. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

McAllister Creek (Thurston County): Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to Olympia - Steilacoom Road Bridge. Daily limit 6 fish of which no more than 4 may be adult salmon.

McCabe Pond (Kittitas County): Fishing from any floating device prohibited. All species: Five fish daily limit for all species combined.

McDonald Creek (Clallam County): Trout: Minimum length fourteen inches.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

McIntosh Lake (Thurston County): Last Saturday in April through October 31 season.

McLane Creek (Thurston County), from a line 50 feet north of and parallel to the Mud Bay Road Bridge to a line 100 feet upstream and parallel to the south bridge on Highway 101: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Release game fish November 1 through November 30. Trout: Minimum length fourteen inches upstream from the south bridge. Salmon: Open only July 1 through November 30. Closed to salmon fishing: Waters within 400 feet of Allison Springs Pond outfall. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From a line 100 feet upstream and parallel to the south bridge on Highway 101 upstream: Nonbuoyant lure restrictions and night closure August 1 through October 31. Trout: Minimum length fourteen inches.

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McManaman Lake (Adams County): April 1 through September 30 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31. Salmon: Landlocked salmon rules apply.

Medical Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melaney Creek (Mason County): Closed waters.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. Trout: Daily limit five, no minimum length.

Mercer Slough (tributary of Lake Washington) (King County): Closed waters.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Merwin Lake (Reservoir) (Clark/Cowlitz County): Salmon: Landlocked salmon rules apply.

Methow River (Okanogan County):

Mouth to Gold Creek: Closed waters June 1 through October 31. Gold Creek to Weeman Bridge: June 1 through September 30 season: Selective gear rules. All species: Release all fish. Upstream from Weeman Bridge to the falls above Brush Creek: Closed waters June 1 through October 31: From mouth upstream to the falls above Brush Creek. Additional season: December 1 through March 31. Whitefish gear rules apply.

Methow River tributaries not otherwise provided for: Selective gear rules. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): June 1 through August 31 and November 1 through March 15 seasons. Trout: Minimum length fourteen inches. Release wild cutthroat.

Mill Creek (Lewis County): Additional season December 1 through December 31, mouth to hatchery road crossing culvert. Nonbuoyant lure restriction and night closure. All species: Release all fish except that up to two hatchery steelhead with intact ventral fins may be retained per day.

Mill Creek (Mason County): Trout: Minimum length fourteen inches.

Mill Creek (Walla Walla County):

From mouth to 9th St. Bridge: June 1 through April 15 season. All species: Barbless hooks required and release all fish except hatchery steelhead September 1 through April 15.

From 9th St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge upstream, including all tributaries: All tributaries: Closed waters. Selective gear rules. Trout: Maximum length twenty inches.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only.

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Mineral Creek (tributary to upper Kachess River) (Kittitas County), from mouth to Wilderness Boundary: Closed waters.

Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): Closed waters: Area from department intake dam downstream to mouth June 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only November 1 through December 31 from mouth to 50 feet downstream of the hatchery rack. Daily limit 4 chum.

Mirror Lake (Grant County): Last Saturday in April through September 30 season.

Mission Lake (Kitsap County): Last Saturday in April through October 31 season.

Moclips River (Grays Harbor County), from mouth to the Quinault Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Monte Christo Lake (Snohomish County): June 1 through October 31 season. Selective gear rules.

Mooses Pond (Pacific County): June 1 through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): April 1 through September 30 season.

Morse Creek (Clallam County), from mouth to Port Angeles Dam: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Moses Lake (Grant County): Crappie: Daily limit five, only crappie more than ten inches in length may be retained. Bluegill: Daily limit five, only bluegill more than eight inches in length may be retained. Bass: Fish twelve to seventeen inches in length may be retained as part of the daily limit. No more than 3 bass over fifteen inches in length may be retained. Walleye: Minimum length eighteen inches. Up to five fish eighteen to twenty-four inches in length may be retained in the daily limit. No more than one walleye over 24 inches in length may be retained.

Mosquito Creek (Jefferson County), outside Olympic National Park: June 1 through last day in February season. Trout: Minimum length fourteen inches. One wild steelhead per day may be retained December 1 through last day in February.

Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Trout: Release all trout.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mudget Lake (Stevens County): Last Saturday in April through October 31 season.

Munn Lake (Thurston County): Last Saturday in April through October 31 season.

Muskegon Lake (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two.

Myron Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mystic Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Naches River (Yakima/Kittitas counties):

From the mouth to Little Naches River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Release trout June 1 through October 31 from confluence with Tieton River to mouth of Rattle Snake Creek. Additional December 1 through March 31 season. Whitefish gear rules apply.

Naneum Creek (Kittitas County): Selective gear rules.

Naneum Pond (Kittitas County): Juveniles only.

Napeequa River (Chelan County): Mouth to Twin Lakes Creek: Closed waters.

Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks: Closed waters: Area from four hundred feet below falls in Sec. 6, T10N, R8W (Wahkiakum County) to falls, and waters within four hundred feet both upstream and downstream of the entrance to the Naselle Salmon Hatchery attraction channel.

Mainstem: June 1 through March 31 season, except sturgeon. Single point barbless hooks required August 16 through November 30 upstream from Highway 4 Bridge to Crown Main Line (Salme) Bridge. Nonbuoyant lure restriction and night closure August 16 through November 30 downstream from North Fork. Downstream from the Crown Main Line Bridge fishers may not allow their line, lures or bait to remain stationary in the water during the period August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through January 31 from Highway 101 Bridge to Highway 4 Bridge and October 16 through January 31 from the Highway 4 Bridge to the Crown Main Line Bridge. Daily limit 6 fish of which no more than 3 may be adult salmon and of these 3 adult fish no more than 1 may be a wild adult coho and not more than 2 may be adult chinook no more than 2 chum may be retained.

Sturgeon: Open year-round from mouth to Highway 4 Bridge.

From mouth of North Fork to source: Selective gear rules. All species: Release all fish.

South Fork, from mouth to Bean Creek: June 1 through last day in February season, except sturgeon. Game fish: Selective gear rules except nonbuoyant lure restriction and night closure August 16 through November 30. Release game fish. Sturgeon: Open year-round.

Nason Creek (Chelan County): From the mouth upstream to Smith Brook: Closed waters.

From Smith Brook to Stevens Creek: Selective gear rules.

Negro Creek (Lincoln County): Year-round season from mouth at Sprague Lake to town of Sprague.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: June 1 through March 31 season. Single point barbless hooks required on North Nemah upstream to the lower bridge on dead end lower Nemah Road October 1 through November 30, on Middle Nemah upstream to the Department of Natural Resources Bridge on Middle Nemah A-line Road August 16 through November 30, and on South Nemah upstream to confluence with Middle Nemah August 16 through November 30. Selective gear rules on Middle Nemah above DNR Bridge. Night closure August 16 through November 30 on South and Middle Nemah and October 1 through November 30 on North Nemah. Nonbuoyant lure restriction on North Nemah upstream from bridge on dead end lower Nemah Road August 16 through November 30. On the North Nemah from the mouth to the lower bridge on dead end lower Nemah Road, fishers may not allow their line, lures or bait to remain stationary in the water during the period August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained in the North Nemah. Salmon: Open only August 1 through January 31 on Middle Nemah from mouth to DNR Bridge and South Nemah from mouth to confluence with Middle Nemah and October 1 through January 31 on North Nemah from mouth to the lower bridge on dead end Lower Nemah Road. Middle and South Nemah: Daily limit 6 fish of which no more than 2 may be adult salmon and of the two adult fish no more than one may be a wild adult coho. North Nemah: Daily limit 6 salmon of which not more than 3 may be adult salmon and of the adult fish no more than one may be a wild adult coho and no more than two may be adult chinook. No more than two chum may be retained.

Newhalem Ponds (Whatcom County): Closed waters.

Newaukum River, main river and South Fork upstream to Highway 508 Bridge near Kearny Creek (Lewis County): June 1 through March 31 season. Night closure and single point barbless hooks required August 16 through November 30 from mouth to Gheer Creek. Trout: Minimum length fourteen inches mouth to Highway 508 Bridge near Kearny Creek. Salmon: Open only October 16 through last day in February from mouth to Gheer Creek. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult

chinook. Release wild adult coho December 1 through last day in February.

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): June 1 to March 31 season. Trout: Minimum length fourteen inches.

Newaukum River, North Fork (Lewis County):

From mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout: Minimum length fourteen inches.

From 400 feet below Chehalis city water intake upstream: Closed waters.

Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge: Night closure and single point barbless hooks required August 16 through November 30. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from Highway 101 Bridge to South Bend/Palix Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult chinook.

Nile Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Nisqually River (Pierce County), from mouth to four hundred feet below LaGrande Powerhouse: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Closed December 1 through January 31. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through January 31 from mouth to Military Tank Crossing Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon.

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: June 1 through last day in February season except closed June 1 through September 30 in mainstem from Mount Baker High School bus barn at Deming to confluence of the North and South Forks. Fishing from floating devices equipped with motors prohibited on the North and Middle Forks November 1 through last day in February. Nonbuoyant lure restriction and night closure August 1 through November 30 on mainstem and North Fork to Maple Creek. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31 in mainstem from Lummi Indian Reservation boundary to Mount Baker High School bus barn. Open only October 16 through December 31 in mainstem from the bus barn to the confluence of the North and South Forks, and October 1 through October 31 on the North Fork from confluence to Maple Creek. Daily limit 2 salmon, except release chinook and wild coho.

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: June 1 through last day in February season. Selective gear rules. Night closure August 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through December 31. Daily limit 2 salmon, except release chinook and wild coho.

From Skookum Creek upstream: Closed waters.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (tributary of Sammamish River) (Snohomish/King counties): Closed waters.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through the day before opening of waterfowl season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream to Falls River: June 1 through last day in February season, except sturgeon. Night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 upstream to Salmon Creek. Nonbuoyant lure restriction from Salmon Creek to Falls River August 16 through November 30. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from Highway 105 Bridge to Salmon Creek. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult chinook. Sturgeon: Open year-round from Highway 105 Bridge to Salmon Creek.

Upstream from Falls River: Selective gear rules. All species: Release all fish.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through November 30 season. Closed waters: Outlet stream of Nunnally Lake. Selective gear rules. Trout: Daily limit one.

Oakland Bay freshwater tributaries (Mason County), except Goldsborough Creek (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Trout: Minimum length twelve inches.

Ohop Lake (Pierce County): Last Saturday in April through October 31 season.

Okanogan River (Okanogan County):

From the mouth to the highway bridge at Malott: Year-round season. Trout: Release all trout. Upstream from the highway bridge at Malott: June 1 through August 31 season. Trout: Release all trout.

Closed waters: From Zosel Dam downstream to one-quarter mile below the railroad trestle.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Olequa Creek (Lewis County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Release cutthroat.

Osborne Lake (Mason County): Last Saturday in April through October 31 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): June 1 through October 31 season.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): June 1 through March 31 season, except sturgeon. Single point barbless hooks and night closure August 16 through November 30 upstream to the confluence of the South and Middle Forks. Above the confluence of the South and Middle Forks: Selective gear rules. Nonbuoyant lure restriction and night closure August 16 through November 30. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from the Highway 101 Bridge to the confluence of the South and Middle Forks. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be a wild adult coho. Release adult chinook. Sturgeon: Open year-round from the Highway 101 Bridge to the confluence of the South and Middle Forks.

Palouse River and tributaries, except Rock Creek (Whitman County): Year around season.

Palmer Lake (Okanogan County): Burbot: Set line gear allowed.

Pampa Pond (Whitman County): March 1 through September 30 season. Fishing from any floating device prohibited.

Panhandle Lake (Mason County): Last Saturday in April through October 31 season.

Panther Creek (Chelan County): Closed waters.

Panther Creek (tributary to Wind River) (Skamania County): Closed waters.

Panther Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Para-Juvenile Lake (Adams/Grant counties): April 1 through September 30 season. Juveniles only.

Park Lake (Grant County): Last Saturday in April through September 30 season.

Parker Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

Pataha Creek (Garfield County):

Within the city limits of Pomeroy: Juveniles only.

From city limits of Pomeroy upstream: Selective gear rules.

Patterson Lake (Okanogan County): Last Saturday in April through October 31 season.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season.

Peabody Creek (Clallam County): Juveniles only.

Pearrygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Pend Oreille River (Pend Oreille County): Year-round season. All sloughs within the boundaries of the Kalispell Reservation except Calispell Slough: Closed waters.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): Trout: Minimum length fourteen inches.

Peshastin Creek (Chelan County): Mouth to Ruby Creek: Closed waters.

Petit Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Phalon Lake (Stevens County): Closed waters.

Pheasant Lake (Jefferson County): Last Saturday in April to October 31 season.

Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Phillips Lake (Mason County): Last Saturday in April through October 31 season.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Additional December 1 through last day in February season. Trout: Minimum length fourteen inches.

Pilchuck River (Snohomish County)

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches.

From 500 feet below diversion dam upstream: Closed waters.

Pillar Lake (Grant County): April 1 through September 30 season.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pine Lake (Mason County): Last Saturday in April through October 31 season.

Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Pipers (Carkeek) Creek (King County), from its mouth to its source, including tributaries: Closed waters.

Pit Lake (Douglas County): Juveniles only.

Pleasant Lake (Clallam County): Trout: Kokanee minimum length eight inches, maximum length twenty inches.

Plummer Lake (Lewis County): Last Saturday in April through last day in February season.

Poacher Lake (Grant County): April 1 through September 30 season.

Portage Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Potholes Reservoir (Grant County): Crappie and bluegill: Combined daily limit twenty-five fish. Perch: Daily limit twenty-five fish.

Potter's Pond (Stevens County): Last Saturday in April through October 31 season.

Pratt River (tributary to Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Prices Lake (Mason County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Promised Land Pond (Grays Harbor County): June 1 through October 31 season.

Purdy Creek (Mason County): June 1 through August 15 season. Selective gear rules. All species: Release all fish.

Puyallup River (Pierce County):

From mouth to the Electron power plant outlet: June 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30 from the mouth to the Carbon River. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to Carbon River. Daily limit 6 fish of which no more than 2 may be adult salmon.

From mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout: Minimum length fourteen inches.

Pysht River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. One wild steelhead per day may be retained December 1 through last day in February.

Pysht River South Fork (Clallam County): Trout: Minimum length fourteen inches.

Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Quigg Lake (Grays Harbor County): June 1 through April 15 season. Trout: Daily limit 2. Minimum length fourteen inches. Salmon: Open only October 1 through January 31. Daily limit 6 hatchery coho salmon of which no more than 4 may be adult hatchery coho.

Quillayute River (Clallam County): Open year-round. May 1 through May 31 release all fish except up to two hatchery steelhead per day may be retained. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon March 1 through August 31 and 3 may be adult salmon September 1 through November 30. September 1 through November 30 the 3 adult salmon may contain no more than 2 adult chinook or 2 adult wild coho or 1 adult chinook and 1 adult wild coho. March 1 through August 31 release wild adult coho and wild adult chinook.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout: Minimum length fourteen inches. One wild steelhead per day may be retained December 1 through March 31. Salmon: Open only July 1 through October 31. Daily limit 6 fish except release adult salmon.

Quincy Lake (Grant County): March 1 through July 31 season.

Radar Ponds (Pacific County): Salmon: Landlocked salmon rules apply.

Raging River (King County), from its mouth to the Highway 18 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Railroad Pond (Franklin County): Selective gear rules. Trout: Daily limit two.

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Rapjohn Lake (Pierce County): Last Saturday in April through October 31 season.

Rat Lake (Okanogan County): April 1 through November 30: Selective gear rules except electric motors allowed, and all species: Release all fish.

Rattlesnake Creek (Yakima County): Selective gear rules. All species: Release all fish.

Rattlesnake Lake (King County): Last Saturday in April through October 31 season. Selective gear rules, except fishing from a floating device equipped with an electric motor allowed.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Riffe Lake (Reservoir) (Lewis County): Mossyrock Dam to 400 feet below Cowlitz Falls Dam. Lawful to fish up to the base of Swofford Pond Dam. Salmon: Landlocked salmon rules apply.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Robbins Lake (Mason County): Last Saturday in April through October 31 season.

Rock Creek (Adams/Whitman counties): Mouth to Endicott Road year-round season.

Endicott Road to bridge on George Knott Road at Revere: Selective gear rules. All species: Release all fish.

Upstream from bridge on George Knott Road: Year-round season.

Rock Creek (Cedar River tributary below Landsburg Dam) (King County): Closed waters.

Rock Creek (Skamania County): June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective gear rules and all species: Release all fish.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): All species: Closed February 1 through May 31 in San Poil arm upstream from outlet of French Johns Lake, and April 1 through May 31 in Kettle arm upstream to Barstow Bridge. Trout except kokanee: Daily limit five. No more than two over twenty inches in length. Kokanee daily limit two. Walleye: No minimum size. Daily limit 5 fish not more than one of which may be longer than 18 inches. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon from Roosevelt Lake and tributaries.

Rose Lake (Mason County): Last Saturday in April through October 31 season.

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective gear rules, except fishing from a floating device equipped with a motor allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above closed water marker in tributaries not listed as closed: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): Closed waters.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek (tributary to Ross Lake) (Whatcom County): Closed waters.

Rufus Woods Lake (Douglas County): Trout: Daily limit two. Sturgeon: Unlawful to fish for or retain sturgeon from Rufus Woods Lake and tributaries.

Sacheen Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): April 1 through September 30 season.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through March 15 season. Trout: Minimum length twelve inches. Release wild cutthroat. Release all steelhead June 1 through October 31.

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, mainstem (Okanogan County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules.

Salmon Creek (tributary of Naselle River) (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Salmon River (Jefferson County): June 1 through last day in February season. Trout: Minimum length fourteen inches. One wild steelhead per day may be retained November 1 through last day in February. Salmon: Open only September 1 through November 30 from mouth to Q 1000 Bridge. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the Hickson Bridge: June 1 through March 15 season. From Highway 99 Bridge to department salmon rack: Closed waters. Nonbuoyant lure restriction and night closure August 1 through December 31.

Trout: Minimum length fourteen inches. Salmon: Open only July 1 through December 31 from mouth to Thomas Road Bridge and October 1 through December 31 from Thomas Road Bridge to I-5 Bridge. Daily limit two salmon.

Sammamish Lake (King County): Trout: No more than two over fourteen inches in length. Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length. Salmon: Closed to salmon fishing within 100 yards of the mouth of Issaquah Creek. Open only August 16 through November 30. Daily limit two salmon. Release sockeye.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters: All tributaries. June 1 through August 31 season. Selective gear rules. Trout: Release all trout.

Sandyshore Lake (Jefferson County): Last Saturday in April to October 31 season.

San Poil River (Ferry County): Unlawful to fish for or retain sturgeon.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of disability licenses only.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River, (Grays Harbor County): Mainstem and East Fork, single point barbless hooks and night closure August 16 through November 30 except only August 16 through October 31 on East Fork upstream from bridge at Schafer State Park. Middle and West forks downstream from Cougar Smith Road nonbuoyant lure restriction and night closure August 16 through November 30. Middle and West Forks upstream from Cougar Smith Road night closure and nonbuoyant lure restriction August 16 through October 31. All open periods: Trout: Minimum length fourteen inches.

From mouth to bridge at Schafer Park: Additional November 1 through March 31 season. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except release adult chinook.

Middle Fork (Turnow Branch), from mouth to Cougar Smith Road: Additional November 1 through last day in February season.

West Fork, from mouth to Cougar Smith Road: Additional November 1 through last day in February season.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the mouth of the White Chuck River to headwaters, including North Fork and South Fork upstream to Elliot Creek: Selective gear rules. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

South Fork upstream from Elliot Creek: June 1 through August 31 season. Selective gear rules.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective gear rules. All species: Release all fish.

Sawyer, Lake (King County): Chumming permitted.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Sekiu River (Clallam County): All open periods: Trout: Minimum length fourteen inches.

From mouth to forks: Additional November 1 through last day in February season.

Serene Lake (Snohomish County): Last Saturday in April through October 31 season.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): Closed waters.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Shoe Lake (Mason County): Last Saturday in April through October 31 season.

Shoveler Lake (Grant County): April 1 through September 30 season.

Shye Lake (Grays Harbor County): June 1 through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): Trout: Minimum length fourteen inches.

Silent Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective gear rules. Trout: Minimum length twelve inches.

Silver Lake (Pierce County): Last Saturday in April through October 31 season.

Silver Lake, North (Spokane County): March 1 through September 30 and November 1 through December 31 season. Selective gear rules. March 1 through September 30: Trout: Daily limit 2 fish, minimum length 14 inches, except release fish with clipped adipose fin. November 1 through December 31: All species: Release all fish.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Silvernail Lake (Okanogan County): Juveniles only.

Similkameen River (Okanogan County):

From mouth to Enloe Dam: December 1 through March 31 season. Whitefish gear rules apply.

From Enloe Dam to Canadian border: Additional December 1 through March 31 season. Whitefish gear rules apply.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective gear rules. Additional December 1 through March 31 season. Whitefish gear rules apply.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year-round season. Selective gear rules March 1 through May 31 except lawful to fish from a floating device equipped with a motor. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only August 16 through December 31. August 16 through October 31: Daily limit four salmon of which not more than three may be coho salmon or two may be chum salmon and release chinook. November 1 through December 31: Daily limit 2 salmon and release chinook.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek: June 1 through March 31 season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only August 16 through December 31. August 16 through October 31: Daily limit four salmon of which not more than three may be coho salmon or two may be chum salmon and release chinook. November 1 through December 31: Daily limit 2 salmon and release chinook.

From Gilligan Creek to Bacon Creek: June 1 through March 15 season except closed June 16 through June 30 and August 1 through August 31 between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only September 16 through December 31 Gilligan Creek to the Dalles Bridge at Concrete. September 16 through October 31: Daily limit four salmon of which not more than three may be coho salmon or two may be chum salmon and release chinook. November 1 through December 31: Daily limit two salmon and release chinook.

From the Dalles Bridge at Concrete to the Cascade River - Salmon open July 1 through July 31, except closed from 200 feet above the mouth of the Baker River to the Cascade River. Daily limit two sockeye salmon. Release all salmon except sockeye salmon. Salmon open September 16 through December 31. September 16 through October 31: Daily limit four salmon of which not more than three may be coho salmon or two may be chum salmon and release chinook. November 1 through December 31: Daily limit two salmon and release chinook.

From Bacon Creek to Gorge Powerhouse: June 1 through last day in February season. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Selective gear rules, except lawful to fish from a floating device equipped with a motor but not while under power. All species: Release all fish.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length.

Skokomish River (Mason County), mouth to forks: Night closure, nonbuoyant lure restriction and single point barbless hooks required August 1 through November 30 mouth to Highway 101. June 1 through last day in February season. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through December 15 mouth to Highway 101 Bridge. Daily limit 1 salmon August 1 through September 30. Release chum salmon. Daily limit 6 salmon October 1 through December 15, except daily limit may contain no more than 4 adult fish and of these adults not more than one may be an adult chinook. October 1 through October 15 release chum salmon.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Above Lake Cushman, mouth to Olympic National Park boundary: June 1 through August 31 season. Selective gear rules. Trout: Release all fish.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: June 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead per day may be retained.

From mouth of Church Creek to mouth of Rule Creek: Closed waters.

From mouth of Rule Creek to headwaters: Selective gear rules. Trout: Minimum length twelve inches.

Skookum Creek (Mason County): Trout: Minimum length fourteen inches.

Skookum Lakes, North and South (Pend Oreille County): Last Saturday in April through October 31 season.

Skookumchuck Reservoir (Thurston County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Single point barbless hooks and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through last day in February. Daily limit 6 fish of which no more than 2 may be adult salmon, except December 1 through the last day in February release adult wild coho. Release adult chinook.

From Skookumchuck Reservoir upstream and all tributaries: Selective gear rules. Trout: Minimum length twelve inches.

Skykomish River (Snohomish County):

From mouth to mouth of Wallace River: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30 mouth to Lewis Street Bridge in Monroe and June 1 through November 30 from Lewis Street Bridge in Monroe to Wallace River. Fishing from any floating device prohibited November 1 through last day in February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Additional season March 1 through April 30 mouth to Sultan River: Selective gear rules and all species - Release all fish. Salmon: Open June 1 through July 31 Lewis Street Bridge in Monroe to Wallace River. Daily limit 1 hatchery chinook. Open September 1 through December 31. Daily limit four salmon of which a total of not more than two may be coho and chum salmon. Release chinook.

From the mouth of the Wallace River to the forks: June 1 through last day in February season, except closed June 1 to 8:00 a.m. August 1 in those waters one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds August 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through December 31. Daily limit four salmon of which a total of not more than two may be coho and chum salmon. Release chinook.

Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From one thousand feet below Bear Creek Falls to Deer Falls: Closed waters.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season, except sturgeon. Single point barbless hooks, and night closure August 16 through November 30 upstream to the Highway 101 Bridge. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be an adult wild coho. Release adult chinook. Sturgeon: Open year-round from mouth to Highway 101 Bridge.

Snake River: Year-round season. Closed to the taking of all trout April 1 through June 15. Trout: Daily limit six, minimum length ten inches, no more than two over twenty inches. Release all steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead. Sturgeon: Unlawful to retain sturgeon in mainstem and tributaries upstream from Lower Granite Dam. Bass: Fish twelve to seventeen inches in length may be retained as part of the daily limit. No more than 3 bass over fifteen inches in length may be retained. Walleye: Minimum length eighteen inches. Up to five fish eighteen to twenty-four inches in length may be retained in the daily limit. No more than one walleye over 24 inches in length may be retained. Channel catfish: No daily limit.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Snipe Lake (Grant County): April 1 through September 30 season.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: June 1 through last day in February season, except sturgeon. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only August 16 through December 31. Daily limit four salmon of which no more than a total of two salmon may be coho and chum salmon. Release chinook. Sturgeon: Open year-round from mouth to Highway 2 Bridge.

Snoqualmie River (King County):

From mouth to the falls: June 1 through last day in February season, except waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant # 2 building (north bank) are closed waters. June 1 through November 30 selective gear rules, except fishing from a floating device equipped with a motor allowed. Fishing from any floating device prohibited November 1 through last day in February from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Night closure September 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit 2 fish. Release chinook and pink.

From Snoqualmie Falls upstream, including the North and South Forks: Selective gear rules. Trout: Minimum length ten inches. Additional November 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snoqualmie Middle Fork from mouth to source including all tributaries except Pratt and Taylor rivers: Year-round season. Selective gear rules. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries: Closed waters.

Sol Duc River (Clallam County): Open year-round. May 1 through May 31 release all fish except up to two hatchery steelhead per day may be retained. Selective gear rules from the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream of Snider Creek November 1 through April 30, and from the Highway 101 Bridge to Olympic National Park June 1 through October 31. Trout: Minimum length fourteen inches. December 1 through April 30, from mouth to the concrete pump station at the Soleduck Hatchery, one wild steelhead per day may be retained. Salmon: Open only March 1 through November 30 from mouth to concrete pump station. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult chinook. September 1 through November 30 the daily limit may contain no more than 2 adult chinook or 2 adult wild coho or a combination of adult chinook and adult wild coho.

Sooes River (Suez River) (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to bridge near hatchery residence: June 1 through August 31 season except salmon. Trout: Minimum length fourteen inches. Salmon: Open only October 11 through November 2 to fishing by juveniles only. Night closure October 11 through October 31. Terminal gear restricted to one single hook. Daily limit two coho salmon.

Bridge near hatchery residence to Salmon hatchery rack: June 1 through August 31 season. Trout: Minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), mouth to Page Creek: Closed waters.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an electric motor permitted. Trout: Maximum length twelve inches.

Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year-round season. Bass: Release fish 12 to 17 inches in length. Only one fish over 17 inches in length may be retained.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Okanogan County): March 1 through July 31 season.

Spirit Lake (Skamania County): Closed waters.

Spokane River (Spokane County):

From SR 25 Bridge upstream to the Seven Mile Bridge, except Long Lake, formed by Long Lake Dam (see also Long Lake): Year-round season except walleye. Trout: Daily limit five, no more than two over twenty inches in length. Walleye: Daily limit five, no minimum length, no more than one over eighteen inches in length. April 1 through May 31 release all walleye. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year-round season. Selective gear rules. Trout: Daily limit one. Release wild trout. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From Monroe Street Dam upstream to Upriver Dam: Year-round season. Salmon: Landlocked salmon rules apply.

From Upriver Dam upstream to the Idaho/Washington state line: Selective gear rules, except fishing from a floating

device equipped with a motor permitted. All species: Release all fish.

Sprague Lake (Adams/Lincoln counties):

Waters south of the lakeside edge of the reeds and waters of Cow Creek south to Danekas Road: July 1 through September 15 season.

Spring Creek (Klickitat County): Trout: Daily limit five.

Spring Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Spring Lakes (Grant County): March 1 through July 31 season.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Stan Coffin Lake (Grant County): Bass: Release all bass.

Starvation Lake (Stevens County): Last Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective gear rules. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective gear rules. Trout: Minimum length fifteen inches. Release cutthroat. Additional March 1 through June 30 season. Selective gear rules. All species: Release all fish.

Stetattle Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Kokanee: Kokanee not included in trout daily limit. Kokanee daily limit ten fish.

Steves Lake (Mason County): Last Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Last Saturday in April through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Warm Beach-Stanwood Highway, including all sloughs: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit four salmon of which a total of not more than two may be coho and chum salmon. Release chinook.

From Warm Beach-Stanwood Highway to the forks, except from the barrier dam (downstream of I-5) downstream two hundred feet which is closed waters: June 1 through last day in February season. Night closure August 1 through November 30. Selective gear rules June 1 through November 30 except fishing from a floating device equipped with a motor allowed.Game fish: June 1 through November 30 release all fish except hatchery steelhead. Trout: Minimum length fourteen inches December 1 through last day in February. Salmon: Open only September 1 through December 31. Daily limit four salmon of which a total of not more than two may be coho and chum salmon. Release chinook.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). Fishing from any floating device equipped with a motor prohibited downstream from the Highway 530 Bridge. March 1 through November 30: All species: Release all fish except hatchery steelhead. April 16 through November 30 fly fishing only. December 1 through last day in February: Trout: Minimum length fourteen inches.

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Suiattle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream: Selective gear rules.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season.

Sunday Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Sutherland Lake (Clallam County): Chumming permitted.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): Closed waters.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): June 1 through October 31 season.

Swauk Creek (Kittitas County): Selective gear rules.

Swift Reservoir (Skamania County): Last Saturday in April through October 31 season. From posted markers below Eagle Cliff Bridge to Bridge: Selective gear rules except fishing from a floating device equipped with a motor is allowed. Salmon: Landlocked salmon rules apply.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Tahuya River (Mason County): Mouth to Bear Creek-Dewatto Road crossing: June 1 through last day in February season. Game fish: Selective gear rules except single point barbless hooks required September 16 through October 31 and release all fish. Salmon: Open only September 16 through October 31 mouth to marker one mile above North Shore Road Bridge. Single point barbless hooks required. Daily limit 2 coho salmon.

Bear Creek-Dewatto Road crossing upstream: Selective gear rules and release all fish.

Taneum Creek (Kittitas County): Selective gear rules.

Tanwax Lake (Pierce County): Last Saturday in April through October 31 season.

Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year-round season.

Tarboo Lake (Jefferson County): Last Saturday in April through November 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Salmon: Landlocked salmon rules apply.

Tate Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Teal Lakes (North and South) (Grant County): April 1 through September 30 season.

Teal Lake (Jefferson County): Last Saturday in April to October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Teanaway River, including North Fork (Kittitas County): Selective gear rules.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through the following Friday and from October 1 through January 15 except fishing from floating dock permitted.

Thomas Lake (Stevens County): Last Saturday in April through October 31 season.

Thornton Creek (tributary to Lake Washington) (King County): Closed waters.

Thread Lake (Adams County): April 1 through September 30 season.

Tibbetts Creek (tributary to Lake Sammamish) (King County): Closed waters.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Additional December 1 through March 31 season: Whitefish gear rules apply.

Tieton River, North Fork (Yakima County), upstream from Rimrock Lake: Closed waters: Spillway channel. June 1 through August 15 season.

Tieton River, South Fork (Yakima County): From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Tiger Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Tilton River (Lewis County), from mouth to West Fork: June 1 through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length. Salmon: Open only June 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult fish. Release wild coho.

Tilton River, East, North, South and West Forks (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek (King County):

From mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. Nonbuoyant lure restriction. Trout: Minimum length fourteen inches.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through last day in February season. June 1 through November 30, selective gear rules. Trout: Minimum length fourteen inches.

From the USGS trolley cable to the falls in Sec. 21, Twp 26N., R 8 E. on the North Fork, and to the dam on the South Fork: Closed waters.

From falls upstream on North Fork: Selective gear rules. All species: Release all fish.

From dam upstream on South Fork: Selective gear rules. Trout: Minimum length ten inches.

Touchet River (Columbia/Walla Walla counties):

From confluence of north and south forks upstream, including Robinson and Wolf Forks: Selective gear rules. Release all steelhead. Tributaries other than North Fork, South Fork, Robinson Fork, and Wolf Fork: Closed waters.

North Fork: Upstream of Spangler Creek June 1 through August 31 season.

South Fork: Upstream from Griffin Creek June 1 through August 31 season.

Wolf Fork: Upstream from Coates Creek June 1 through August 31 season.

From mouth to confluence of north and south forks: Additional season: November 1 through April 15. Barbless hooks required. All species: Release all fish except hatchery steelhead and brown trout.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Nonbuoyant lure restriction and night closure September 1 through October 15 on North Fork from confluence with South Fork to mouth of Green River. All game fish: Release all fish except hatchery steelhead. Salmon: Open only August 1 through November 30. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. Release chum and wild coho. Release all chinook October 1 through November 30 in North Fork upstream from Kidd Valley Bridge.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries, but excepting Castle and Coldwater Lakes: Closed waters.

Toutle River, South Fork (Cowlitz County), mouth to source: Closed waters: All tributaries. June 1 through November 30 season. All species: Release all fish except hatchery steelhead. Trout: Minimum length twenty inches. Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Selective gear rules. All species: Release all fish except hatchery steelhead.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (tributary to Wind River) (Skamania County): Closed waters.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries.

From the mouth upstream to Turner Road Bridge: Additional November 1 through April 15 season. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish.

From the Turner Road Bridge upstream to the Cummings Creek Bridge: Selective gear rules June 1 through October 31. Additional season November 1 through April 15. Barbless hooks required. All species: Release all fish except steelhead and whitefish.

From the Cummings Creek Bridge upstream to 500 feet above the Rainbow Lake intake: Closed waters.

From 500 feet above the Rainbow Lake intake to the Cow Camp Bridge: Selective gear rules. Release steelhead.

From Cow Camp Bridge upstream: Closed waters.

Tucquala Lake (Kittitas County): June 1 through October 31 season.

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: June 1 through September 30 season. Selective gear rules. All species: Release all fish. War Creek to South Fork Twisp River: Closed waters.

Tye River (King County): Foss River to Alpine Falls June 1 through October 31 season: Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County): Mouth to lower bridge on Old Belfair Highway, June 1 through last day in February season.

From North Shore Road Bridge to lower bridge on Old Belfair Highway: Closed waters August 16 through October 31.

From North Shore Road Bridge upstream to watershed boundary: Selective gear rules. All species: Release all fish except sturgeon from mouth to watershed boundary.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): Juveniles only.

Vance Creek (Mason County): Trout: Minimum length fourteen inches.

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Last Saturday in April through November 30 season. Juveniles, holders of a senior license and holders of a depart-

ment disability license only. Salmon: Landlocked salmon rules apply. Pond Two: Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Closed waters: April 1 through May 30 the Vancouver Lake flushing channel is closed and it is closed to fishing from the lake shoreline within 400 feet east and west of the channel exit. Chumming permitted. Trout: Daily limit two, minimum length twelve inches.

Vanes Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Van Winkle Creek (Grays Harbor County): Mouth to 400 feet below outlet of Lake Aberdeen Hatchery: Game fish: Minimum length 14 inches. Salmon: Open only September 1 through January 31. Daily limit 6 fish of which not more than 2 may be adult fish. Release chum, adult chinook and wild adult coho.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Vogler Lake (Skagit County): Last Saturday in April through October 31 season. Fly fishing only. All species: Release all fish.

Voight Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to 200 feet upstream of the water intake of the salmon hatchery: June 1 through last day in February season. Closed waters: From the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery during the period June 1 through August 31. Fishing from any floating device prohibited November 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through November 30. Daily limit 2 coho.

From 200 feet upstream of the water intake of the salmon hatchery to mouth of Olney Creek: November 1 through last day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Walla Walla River (Walla Walla County):

From mouth to the Touchet River: Year-round season. Trout: Barbless hooks required when fishing for steelhead. Release trout April 1 through May 31.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Additional season November 1 through April 15. All species: Barbless hooks required and release all fish except steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules except fishing from devices equipped with motors permitted. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. From August 1 through October 31: Selective gear rules except fishing from a device equipped with an internal combustion engine permitted. Trout: Release all trout.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season.

Warden Lake and Warden Lake, South (Grant County): Last Saturday in April through September 30 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Washburn Lake (Okanogan County): Last Saturday in April through October 31 season. Trout: Daily limit two.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February, daily limit 5, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit 5, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. Salmon: Open only September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge. Daily limit two coho salmon.

Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open year-round. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. July 1 through November 30, daily limit five, no minimum length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

Washougal River (Clark County):

From mouth to bridge at Salmon Falls: June 1 through March 15 season. Nonbuoyant lure restriction, night closure and stationary gear restriction September 1 through October 31. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained. Salmon: Open only August 1 through March 15. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult chinook salmon. Release chum and wild coho. Upstream of Little Washougal River, release chinook October 1 through December 31.

From mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. Selective gear rules. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

From bridge at Salmon Falls to its source, including tributaries: Closed waters.

Washougal River, West (North) Fork (Clark/Skamania counties):

From mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

Watson Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Waughop Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Wenas Lake (Yakima County): Trout: Daily limit five, of which not more than two may be brown trout.

Wenaha River tributaries within Washington: June 1 through August 31 season.

Wenatchee Lake (Chelan County): Trout except kokanee: Daily limit two, minimum length twelve inches. Release kokanee. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River (Chelan County):

December 1 through March 31 season, from mouth to Highway 2 Bridge at Leavenworth only. Whitefish gear rules apply.

West Twin River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through December 31. Closed waters: Woburn Street Bridge upstream to the stone bridge. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to markers below Dupont Street. Daily limit 6 fish of which not more than 2 may be adult salmon.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Nonbuoyant lure restriction and night closure August 1 through October 31. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through October 31 season, except those waters between the Electric Avenue Bridge and the outlet dam are closed waters: Trout: Release cutthroat trout.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

White River (Chelan County), from mouth upstream to White River Falls: Closed waters.

White (Stuck) River (Pierce County):

From mouth to R Street Bridge in Auburn: October 1 through last day in February season: Nonbuoyant lure restriction and night closure October 1 through November 30. Trout: Minimum length fourteen inches.

From R Street Bridge to Highway 410 Bridge at Buckley: October 1 through October 31 season. Closed waters: Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin. Nonbuoyant lure restriction and night closure. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Nonbuoyant lure restriction and night closure October 1 through November 30. Whitefish: Additional November 1 through January 31 season. Release all fish except whitefish.

Whitechuck River (Snohomish County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

White Salmon River (Klickitat/Skamania counties):

From mouth to powerhouse: Open year-round. Bank fishing only downstream from the Highway 14 Bridge. August 1 through December 31: Nonbuoyant lure restriction. Trout: Minimum length fourteen inches. Salmon and steelhead: Open April 1 through June 30, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead. Salmon: Open July 1 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. October 1 through December 31 release chinook upstream from posted markers upstream of Highway 14 Bridge.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to April 30 season except salmon and steelhead. Trout: Minimum length fourteen inches. Salmon: Open November 16 through March 31. Daily limit 6 fish of which no more than 2 may be adult

salmon. November 16 through December 31 release chinook. Salmon and steelhead: Open April 1 through June 15, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Trout: Minimum length twelve inches.

Wide Hollow Creek (Yakima County): Trout: Daily limit five, no minimum length.

Widgeon Lake (Grant County): April 1 through September 30 season.

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season.

Wilderness Lake (King County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County): Mouth to Fork Creek: June 1 through March 31 season, except sturgeon. Night closure, single point barbless hooks, and stationary gear restriction August 16 through November 30 mouth to Fork Creek. November 1 through March 31 fishing from any floating device prohibited from the bridge on Willapa Road to Fork Creek.

All game fish: Release all fish except that up to two hatchery steelhead may be retained. Salmon: Open only August 1 through January 31 from mouth to Highway 6 Bridge approximately 2 miles below mouth of Trap Creek and open October 16 through January 31 from Highway 6 Bridge to Fork Creek. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than one may be a wild adult coho and not more than two may be adult chinook and not more than two may be chum.

Sturgeon: Open year-round from mouth to Highway 6 Bridge.

Upstream from Fork Creek: Selective gear rules. August 16 through October 31, nonbuoyant lure restriction and night closure. All species: Release all fish.

South Fork: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 16 through November 30. All species: Release all fish except up to two hatchery steelhead may be retained.

Williams Creek (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Open year-round. Juveniles only. Trout: Daily limit five, no minimum length.

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: July 1 through March 15 season, except salmon and steelhead. May 1 through June 30: Nonbuoyant lure restriction and night closure. August 1 through October 31: Nonbuoyant lure restriction. Salmon and steelhead: Open May 1 through June 30 daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead. Trout: Minimum length fourteen inches. Salmon: Open August 1 through October 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chinook from Burlington-Northern Railroad Bridge upstream.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source, including all tributaries: May 1 through June 30 season. Closed waters: From 400 feet below to 100 feet above the Coffer Dam and from a boundary marker approximately 800 yards downstream from Carson National Fish Hatchery upstream, including all tributaries. Night closure and nonbuoyant lure restriction. Salmon and steelhead: Daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead.

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Wishkah River (Grays Harbor County), including all forks: Closed waters: Mainstem from four hundred feet below outlet of dam at Wishkah Rearing Ponds (formerly Mayr Bros.) to dam. Trout: Minimum length fourteen inches. Release wild cutthroat. Mouth to West Fork: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Salmon: Open only October 1 through November 30 from mouth to West Fork. Daily limit 6 fish of which no more than 2 may be adult salmon,. Release adult chinook.

From the West Fork to four hundred feet below outlet: June 1 through March 31 season. Trout: Minimum length fourteen inches.

Wolf Creek, mouth to mouth of south fork (Okanogan County): Closed waters.

Wood Lake (Mason County): Last Saturday in April through October 31 season.

Woodland Creek (Thurston County): Trout: Minimum length fourteen inches.

Wooten Lake (Mason County): Last Saturday in April through October 31 season.

Wye Lake (Kitsap County): Last Saturday in April through October 31 season.

Wynoochee River (Grays Harbor County): Trout: Minimum length fourteen inches. Mouth to 7400 line bridge above mouth of Schafer Creek: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except daily limit may contain no more than 1 wild adult coho December 1 through January 31. Release adult chinook.

7400 line bridge upstream: Selective gear rules. Additional December 1 through March 31 season. Fishing from a floating device prohibited. All species: Release all fish except up to two hatchery steelhead may be retained.

Wynoochee Reservoir (Grays Harbor County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches. Salmon: Landlocked salmon rules apply.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries.

From mouth to Prosser Dam: Chumming permitted. Channel catfish: No daily limit. Salmon: Open only September 16 through October 31. Daily limit 6 fish of which not more than 2 may be adult salmon. Nonbuoyant lure restriction and night closure.

From mouth to Highway 223 Bridge: Bass: No daily limit of bass under 12 inches in length. Release bass 12 to 17 inches in length. Unlawful to retain more than one bass per day greater than 17 inches in length.

From mouth to thirty-five hundred feet below Roza Dam: Year-round season. Closed waters: From Yakima Avenue-Terrace Heights Bridge upstream 400 feet. March 1 through November 30, closed from thirty-five hundred feet below Roza Dam to Roza Dam. Trout: Minimum length twelve inches and maximum length twenty inches. Release all trout April 1 through May 31. Thirty-five hundred feet below Roza Dam to four hundred feet below Roza Dam: December 1 through last day in February season. Whitefish gear rules apply.

From Roza Dam to four hundred feet below Easton Dam and from Lake Easton to the base of Keechelus Dam: Year-round season. Fishing from floating devices equipped with motors allowed only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile). Selective gear rules except bait and one single point barbed hook three-sixteenths or smaller point to shank may be used for whitefish December 1 through last day in February. Trout: From Roza Dam to 400 feet below Easton Dam: Release all trout. Lake Easton to the base of Keechelus Dam. Release all trout except eastern brook trout. Eastern brook trout: No daily limit and no minimum size.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Yellowjacket Ponds (Lewis County): Last Saturday in April through last day in February season. Trout: No more than one over twelve inches in length.

Yokum Lake (Pend Oreille County): Last Saturday in April through October 31 season.

[Statutory Authority: RCW 77.12.047. 03-16-110 (Order 03-181), § 232-28-619, filed 8/6/03, effective 9/6/03; 03-05-057 (Order 03-24), § 232-28-619, filed 2/14/03, effective 5/1/03; 02-20-082 (Order 02-249), § 232-28-619, filed 9/30/02, effective 10/31/02; 02-15-097 (Order 02-158), § 232-28-619, filed 7/16/02, effective 8/16/02; 02-08-048 (Order 02-53), § 232-28-619, filed 3/29/02, effective 5/1/02; 01-14-001 (Order 01-107), § 232-28-619, filed 6/21/01, effective 7/22/01; 01-06-036 (Order 01-24), § 232-28-619, filed 3/5/01, effective 5/1/01. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 232-28-619, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 232-28-619, filed 3/29/00, effective 5/1/00; 99-15-081 (Order 99-102), § 232-28-619, filed 7/20/99, effective 8/20/99; 99-08-029 (Order 99-13), § 232-28-619, filed 3/30/99, effective 5/1/99; 98-15-081 (Order 98-122), § 232-28-619, filed 7/15/98, effective 8/15/98; 98-06-031, § 232-28-619, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 232-28-619, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 77.12.040. 97-07-076 (Order 97-50), § 232-28-619, filed 3/19/97, effective 5/1/97; 96-11-079 (Order 96-45), § 232-28-619, filed 5/13/96, effective 6/13/96; 95-19-011 (Order 95-114), § 232-28-619, filed 9/7/95, effective 10/8/95; 95-10-027, § 232-28-619, filed 4/26/95, effective 5/27/95; 95-05-008 (Order 95-11), § 232-28-619, filed 2/1/95, effective 5/1/95. Statutory Authority: RCW 77.04.055 and 77.12.040. 93-21-070 (Order 617), § 232-28-619, filed 10/20/93, effective 4/16/94; 92-01-084 (Order 524), § 232-28-619, filed 12/16/91, effective 4/16/92.]

WAC 232-28-620 Coastal salmon—Saltwater seasons and daily limits. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following coastal areas, during the seasons, in the quantities, for the sizes provided in WAC 220-56-180, and for the species designated in this section. Open when a daily limit is provided:

(1) Catch Record Card Area 1:

(a) May 1 through June 28 - Closed.

(b) June 29 through September 30 - Open Sundays through Thursdays only - Daily limit of 2 salmon, of which not more than one may be a chinook salmon. Release wild coho.

(c) October 1 through April 30 - Closed.

(d) Closed in the Columbia River Mouth Control Zone 1 during all open periods, see WAC 220-56-195.

(2) Catch Record Card Area 2 and Catch Record Card Area 2-2 west of the Buoy 13 line:

(a) May 1 through June 21 - Closed.

(b) June 22 through September 14 - Open Sundays through Thursdays only. Area 2-2 west of the Buoy 13 line closed August 16 through September 14. Those waters within a line from the lighthouse 1 mile south of the south jetty to Buoy No. 2, then to Buoy No. 3, then to the tip of the north jetty then to the exposed end of the south jetty are closed August 16 through September 14. Daily limit 2 salmon, of which not more than one may be a chinook salmon. Release wild coho.

(c) September 15 through April 30 - Closed.

(3) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):

(a) May 1 through September 15 - Closed.

(b) September 16 through November 30 - Daily limit of six salmon, not more than two of which may be adult salmon. Release adult chinook.

(c) December 1 through April 30 - Closed.

(d) Notwithstanding the provisions of this subsection, Westport Boat Basin and Ocean Shores Boat Basin: Open only August 16 through January 31 - Daily limit of six salmon not more than four of which may be adult salmon.

(4) Willapa Bay (Catch Record Card Area 2-1):

(a) May 1 through June 21 - Closed.

(b) June 22 through August 15 - Open concurrent with Area 2 when Area 2 is open for salmon angling.

(c) August 16 through January 31 - Daily limit of six salmon, not more than two of which may be adult salmon.

(d) February 1 through April 30 - Closed.

(5) Catch Record Card Area 3:

(a) May 1 through June 21 - Closed.

(b) June 22 through September 14 - Daily limit of 2 salmon, of which not more than one may be a chinook salmon. Fishers may retain an additional third salmon if it is a pink salmon. Release wild coho.

(c) September 15 through April 30 - Closed.

(d) Notwithstanding the provisions of this subsection, waters inside a line from Teahwit Head to "Q" buoy and then to Cake Rock then east to shore open September 20 through October 5 - Daily limit two salmon, of which not more than one may be a chinook salmon. Release wild coho.

(6) Catch Record Card Area 4:

(a) May 1 through June 21 - Closed.

(b) June 22 through September 14 - Waters east of a true north-south line through Sail Rock closed July 1 through July 31. Waters south of a line from Kydaka Point westerly to Shipwreck Point closed July 1 through September 14 - Daily limit of 2 salmon, of which not more than one may be a chinook salmon. Fishers may retain an additional third salmon if it is a pink salmon. Release wild coho salmon. Release chinook salmon caught east of the Bonilla-Tatoosh line June 22 through June 30 and August 1 through September 14. Release chum salmon August 1 through September 14.

(c) September 15 through April 30 - Closed.

[Statutory Authority: RCW 77.12.047. 03-16-109 (Order 03-182), § 232-28-620, filed 8/6/03, effective 9/6/03; 02-15-097 (Order 02-158), § 232-28-620, filed 7/16/02, effective 8/16/02; 01-14-001 (Order 01-107), § 232-28-620, filed 6/21/01, effective 7/22/01. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), amended and recodified as § 232-28-620, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-56-190, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-56-190, filed 7/15/98, effective 8/15/98; 97-18-035, § 220-56-190, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 96-11-078 (Order 96-44), § 220-56-190, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-56-190, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-190, filed 7/1/94, effective 8/1/94; 93-14-043 (Order 93-36), § 220-56-190, filed 6/29/93, effective 7/30/93; 91-08-054 (Order 91-13), § 220-56-190, filed 4/2/91, effective 5/3/91; 90-06-026, § 220-56-190, filed 2/28/90, effective 3/31/90; 89-07-060 (Order 89-12), § 220-56-190, filed 3/16/89; 87-09-066 (Order 87-16), § 220-56-190, filed 4/21/87; 86-09-020 (Order 86-08), § 220-56-190, filed 4/9/86; 85-09-017 (Order 85-20), § 220-56-190, filed 4/9/85; 84-09-026 (Order 84-22), § 220-56-190, filed 4/11/84; 83-07-043 (Order 83-16), § 220-56-190, filed 3/17/83; 82-13-040 (Order 82-61), § 220-56-190, filed 6/9/82; 82-07-047 (Order 82-19), § 220-56-190, filed 3/18/82; 80-03-064 (Order 80-12), § 220-56-190, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-064.]

WAC 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits. It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas, during the seasons, in the quantities, and for the species designated in this section and sizes as defined in WAC 220-56-180. Open when a daily limit is provided. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters as provided for in WAC 232-28-620.

(1) Catch Record Card Area 5:

(a) May 1 through June 30 - Closed.

(b) July 1 through July 4 - Daily limit of 2 salmon. Release chum, chinook and wild coho.

(c) July 5 through July 31 - Daily limit 2 salmon. Release chum, wild chinook and wild coho.

(d) August 1 through August 14 - Daily limit of 4 salmon, of which not more than 2 may be chinook or coho or a combination of chinook and coho. Release chum, wild chinook and wild coho.

(e) During the period July 5 through August 14, any salmon required to be released may not be brought on board a vessel.

(f) August 15 through August 31 - Daily limit of 4 salmon, of which not more than 2 may be coho. Release chum, chinook and wild coho.

(g) September 1 through September 30 - Daily limit of 2 salmon. Release chum, chinook and wild coho.

(h) Waters south of a line from Kydaka Point to Shipwreck Point closed July 1 through September 30.

(i) October 1 through October 31 - Closed.

(j) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(k) December 1 through February 13 - Closed.

(l) February 14 through April 10 - Daily limit 1 salmon.

(m) April 11 through April 30 - Closed.

(2) Catch Record Card Area 6:

(a) May 1 through June 30 - Closed.

(b) July 1 through July 4 - Daily limit of 2 salmon. Release chum, chinook and wild coho.

(c) July 5 through July 31 - Daily limit 2 salmon. Release chum, wild chinook and wild coho. Release all chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook.

(d) August 1 through August 14 - Daily limit of 4 salmon, of which not more than 2 may be chinook or coho or a combination of chinook and coho. Release chum, wild chinook and wild coho. Release all chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook.

(e) During the period July 5 through August 14, any salmon required to be released may not be brought on board a vessel.

(f) August 15 through August 31 - Daily limit of 4 salmon, of which not more than 2 may be coho. Release chum, chinook and wild coho.

(g) Waters of Freshwater Bay south of a line from Angeles Point westerly to Observatory Point and waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock are closed July 1 through August 31.

(h) September 1 through September 30 - Daily limit of 2 salmon. Release chum, chinook and wild coho.

(i) October 1 through October 31 - Closed, except waters of Dungeness Bay inside a line from Dungeness Spit Lighthouse to the Number 2 Red Buoy then to the Port Williams Boat Ramp are open with a daily limit of 2 coho salmon. Release all other salmon. Waters inside the line described in this subsection are closed at all times except during October.

(j) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(k) December 1 through February 13 - Closed.

(l) February 14 through April 10 - Daily limit 1 salmon.

(m) April 11 through April 30 - Closed.

(3) Catch Record Card Area 7:

(a) May 1 through June 30 - Closed.

(b) July 1 through July 31 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon. Closed to salmon fishing in the Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195 (7)(a).

(c) August 1 through September 30 - Daily limit of 4 salmon, of which not more than one may be a chinook salmon and not more than two of which may be coho or a combination of chinook and coho. Release chum and wild coho. Closed to salmon fishing in the Southeastern Strait of Juan de Fuca closure area described in WAC 220-56-195 (7)(b).

(d) Waters of Bellingham Bay described in WAC 220-56-195(1) closed July 1 through August 15. August 16 through October 31 - Daily limit 4 salmon, not more than 2 of which may be chinook salmon.

(e) October 1 through October 31 - Daily limit of 2 salmon. Release chinook.

(f) Waters of Samish Bay described in WAC 220-56-195(4) closed July 1 through October 15.

(g) November 1 through November 30 - Daily limit 2 salmon, not more than one of which may be a chinook salmon.

(h) December 1 through January 31 - Closed.

(i) February 1 through March 31 - Daily limit of 1 salmon.

(j) April 1 through April 30 - Closed.

(4) Catch Record Card Area 8-1:

(a) May 1 through July 31 - Closed.

(b) August 1 through September 30 - Daily limit of 4 salmon, of which not more than two may be chum or coho or a combination of chum and coho. Release chinook.

(c) October 1 through October 31 - Daily limit of 2 salmon. Release chinook.

(d) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(e) December 1 through January 31 - Closed.

(f) February 1 through March 31 - Daily limit of 1 salmon.

(g) April 1 through April 30 - Closed.

(5) Catch Record Card Area 8-2:

(a) May 1 through July 31 - Closed, except waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point - July 4 through July 28 Friday through Monday of each week - Daily limit of 2 salmon. Release chinook.

(b) August 1 through September 30 - Daily limit 4 salmon, of which not more than two may be chum or coho or a combination of chum and coho and release chinook, except waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point - August 1 through September 29 Friday through Monday of each week - Daily limit of 2 salmon.

(c) October 1 through October 31 - Daily limit of 2 salmon. Release chinook.

(d) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(e) December 1 through February 13 - Closed.

(f) February 14 through April 10 - Daily limit of 1 salmon.

(g) During all openings provided for Area 8-2, waters of Tulalip Bay east of a line from Mission Point to Hermosa Point are closed.

(6) Catch Record Card Area 9:

(a) May 1 through July 15 - Closed.

(b) July 16 through July 31 - Daily limit of 2 salmon. Release chinook.

(c) August 1 through August 31 - Daily limit of 4 salmon, of which no more than 2 may be coho. Release chum and chinook.

(d) September 1 through September 30 - Daily limit of 2 salmon. Release chum and chinook.

(e) October 1 through October 31 - Daily limit of 2 salmon. Release chinook.

(f) November 1 through November 30 - Daily limit 2 salmon, of which not more than one may be a chinook.

(g) December 1 through January 31 - Closed.

(h) February 1 through April 15 - Daily limit 1 salmon.

(i) April 16 through April 30 - Closed.

(j) Fishing is open year round when fishing from the Hood Canal Bridge Fishing Pontoon - Daily limit 2 salmon, not more than one of which may be a chinook salmon, except release chinook July 1 through August 31. Release chum August 1 through October 15.

(k) Fishing is open year round when fishing from the Edmonds Fishing Pier - Daily limit 2 salmon, not more than one of which may be a chinook salmon. Release chum August 1 through September 30.

(7) Catch Record Card Area 10:

(a) May 1 through June 15 - Closed.

(b) June 16 through June 30 - Open only north of a line from Point Monroe to Meadow Point. Catch and release. Salmon may not be brought aboard a vessel.

(c) July 1 through October 31 - Daily limit 2 salmon. Release chum August 1 through September 15. Release chinook. Waters of Shilshole Bay southeast of a line from Meadow Point to West Point closed July 1 through August 31. Waters of Elliott Bay east of a line from West Point to Alki Point closed July 1 through August 31, except waters east of a line from Pier 91 to Duwamish Head open July 11 through August 17 only on Friday through Sunday - Daily limit 2 salmon. Release chum August 1 through August 17.

(d) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south from Point

White - Lawful to retain chinook as part of the daily limit July 1 through September 30.

(e) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(f) December 1 through December 15 - Closed.

(g) December 16 through last day in February - Daily limit 1. Waters of Agate Pass west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point closed January 1 through last day in February.

(h) March 1 through April 30 - Closed.

(i) Fishing is open year round when fishing from the Elliott Bay Fishing Pier, the Fishing Pier at Terminal 86, the Seacrest Pier, the Waterman Pier, the Bremerton Boardwalk, and the Illahee State Park Pier - Daily limit 2 salmon, not more than one of which may be a chinook salmon. Release chum August 1 through September 15.

(8) Catch Record Card Area 11:

(a) May 1 through May 30 - Closed.

(b) June 1 through October 31 - Daily limit of 2 salmon. Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock closed June 1 through July 31.

(c) November 1 through December 31 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(d) January 1 through February 13 - Closed.

(e) February 14 through April 10 - Daily limit of 1 salmon.

(f) April 11 through April 30 - Closed.

(g) Fishing is open year round when fishing from the Dash Point Dock, the Les Davis Pier, the Des Moines Pier, the Redondo Pier and the Point Defiance Boathouse Dock - Daily limit 2 salmon, not more than one of which may be a chinook salmon.

(9) Catch Record Card Area 12:

(a) May 1 through June 30 - Closed.

(b) July 1 through October 15 in waters south of Ayock Point - Daily limit 4 salmon, of which no more than two may be chinook salmon. Release chum.

(c) July 1 through August 31 in waters north of Ayock Point except waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - Closed.

(d) September 1 through October 15 in waters north of Ayock Point and August 16 through October 15 in waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - Daily limit 4 coho salmon. Release all salmon except coho.

(e) October 16 through December 31 - Daily limit 4 salmon, of which no more than one may be a chinook salmon.

(f) January 1 through February 13 - Closed.

(g) February 14 through April 10 - Daily limit 1 salmon.

(h) April 11 through April 30 - Closed.

(i) July 1 through December 31 the Hoodsport Hatchery Zone is managed separately from the remainder of Area 12. See WAC 220-56-124.

(10) Catch Record Card Area 13:

(a) May 1 through May 31 - Daily limit 2 salmon, of which not more than one may be a chinook salmon.

(b) June 1 through June 30 - Closed.

(c) July 1 through October 31 - Daily limit 2 salmon. Release wild coho. Waters of Carr Inlet north of a line from Penrose Point to Green Point closed May 1 through July 31, except open to fly fishing only for hatchery coho July 1 through July 31.

(d) Waters at the mouth of Minter Creek within 1,000 feet of the outer oyster stakes are closed July 1 through September 30.

(e) Waters of Budd Inlet south of the Fourth Avenue Bridge are closed. Contiguous waters north of the Fourth Avenue Bridge and south of a line from the northwest corner of the Thriftway Market building and a point 100 yards north of the railroad bridge on the western shore are closed July 16 through October 31.

(f) November 1 through December 31 - Daily limit of 2 salmon, not more than one of which may be a chinook salmon.

(g) January 1 through April 30 - Daily limit 1 salmon. Waters of Carr Inlet north of a line from Penrose Point to Green Point closed April 16 through April 30.

(h) Fishing is open year round when fishing from the Fox Island Public Fishing Pier - Daily limit 2 salmon, not more than one of which may be a chinook salmon. Release wild coho July 1 through October 31.

[Statutory Authority: RCW 77.12.047. 03-16-109 (Order 03-182), § 232-28-621, filed 8/6/03, effective 9/6/03; 03-05-057 (Order 03-24), § 232-28-621, filed 2/14/03, effective 5/1/03; 02-15-097 (Order 02-158), § 232-28-621, filed 7/16/02, effective 8/16/02; 02-08-048 (Order 02-53), § 232-28-621, filed 3/29/02, effective 5/1/02; 01-14-001 (Order 01-107), § 232-28-621, filed 6/21/01, effective 7/22/01. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), amended and recodified as § 232-28-621, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080. 00-01-103 (Order 99-215), § 220-56-191, filed 12/16/99, effective 1/16/00. Statutory Authority: RCW 75.08.080 and 77.12.040. 99-15-081 (Order 99-102), § 220-56-191, filed 7/20/99, effective 8/20/99; 98-15-081 (Order 98-122), § 220-56-191, filed 7/15/98, effective 8/15/98; 98-06-031, § 220-56-191, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080 and 75.12.040. 97-18-035, § 220-56-191, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 75.08.080. 96-11-078 (Order 96-44), § 220-56-191, filed 5/13/96, effective 6/13/96; 95-12-027 (Order 95-46), § 220-56-191, filed 5/31/95, effective 7/1/95; 94-14-069, § 220-56-191, filed 7/1/94, effective 8/1/94; 93-14-043 (Order 93-36), § 220-56-191, filed 6/29/93, effective 7/30/93.]

Title 236 WAC

GENERAL ADMINISTRATION, DEPARTMENT OF

Chapters

236-12 **State capitol grounds traffic and parking regulations.**

Chapter 236-12 WAC

STATE CAPITOL GROUNDS TRAFFIC AND PARKING REGULATIONS

WAC

236-12-435 Camping on state capitol grounds.

WAC 236-12-435 Camping on state capitol grounds. Camping on the state capitol grounds is prohibited unless permitted by the director of the department of general administration. Camping means arranging any type of structure, shelter or bedding, or parking a vehicle, for purposes of habitation.

[Statutory Authority: RCW 43.19011 [43.19.011], 43.19.125, and 46.08.-150. 03-24-089, § 236-12-435, filed 12/3/03, effective 1/3/04.]

Title 242 WAC

COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT OF (GROWTH MANAGEMENT HEARINGS BOARDS)

Chapters

242-02 Practice and procedure.
242-04 Public records.

Chapter 242-02 WAC
PRACTICE AND PROCEDURE

WAC

242-02-010 Organization.
242-02-052 Petition for rule making.
242-02-070 Quorum.
242-02-072 Principal offices.
242-02-076 Annual and semiannual joint boards meetings.
242-02-834 Publication of final decision and orders.

WAC 242-02-010 Organization. Three growth management hearings boards were established pursuant to chapter 36.70A RCW. Each board is an independent quasi-judicial agency of the state of Washington with three members appointed by the governor who are qualified by experience or training in matters pertaining to land use planning. These rules were developed, adopted, and amended jointly by all three boards pursuant to RCW 36.70A.270(7). They should be read in conjunction with the act and the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 36.70A.270(7). 03-15-047, § 242-02-010, filed 7/11/03, effective 8/11/03; 97-04-008, § 242-02-010, filed 1/24/97, effective 3/1/97. Statutory Authority: RCW 36.70A.270(6). 94-23-112, § 242-02-010, filed 11/22/94, effective 12/23/94; 92-21-034, § 242-02-010, filed 10/15/92, effective 10/15/92.]

WAC 242-02-052 Petition for rule making. (1) Right to petition for rule making. Any person may petition the joint boards for the adoption, amendment, or repeal of any rule. Said petition shall be filed with the Western Washington board.

(2) Form of petition. The form of the petition for adoption, amendment, or repeal of any rule shall generally adhere to the following:

(a) A caption in the following form:

BEFORE THE JOINT GROWTH MANAGEMENT
HEARINGS BOARDS
STATE OF WASHINGTON

No.

In the matter of
the Petition ofPETITION FOR RULE MAKING
(Name of Petitioner)
for Rule Making

(b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether the petitioner seeks the adoption of a new rule or rules, or amendment or repeal of an existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by board rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interests of the petitioner and the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

(c) The petition shall be dated and signed by the party named in the first paragraph or by the petitioner's attorney or other authorized representative. The original and nine copies shall be filed with the appropriate board at its office.

[Statutory Authority: RCW 36.70A.270(7). 03-15-047, § 242-02-052, filed 7/11/03, effective 8/11/03; 00-09-094, § 242-02-052, filed 4/19/00, effective 5/20/00; 98-01-144, § 242-02-052, filed 12/19/97, effective 1/20/98. Statutory Authority: RCW 36.70A.270(6). 94-23-112, § 242-02-052, filed 11/22/94, effective 12/23/94; 94-07-033, § 242-02-052, filed 3/9/94, effective 4/9/94; 92-21-034, § 242-02-052, filed 10/15/92, effective 10/15/92.]

WAC 242-02-070 Quorum. (1) Joint boards. For the purpose of adopting, amending or repealing these rules, at least two members of each board must concur.

(2) Individual board. For purposes of making orders or decisions or transacting other official business, two members of a board shall constitute a quorum and may act even though one position on the board is vacant. One member or designated hearing examiner may hold hearings and take testimony. The findings of such member or hearing examiner shall not become final until approved by a majority of the board. A board member who does not attend a hearing shall review a transcript or recording of the hearing before signing the decision.

[Statutory Authority: RCW 36.70A.270(7). 03-15-047, § 242-02-070, filed 7/11/03, effective 8/11/03; 97-04-008, § 242-02-070, filed 1/24/97, effective 3/1/97. Statutory Authority: RCW 36.70A.270(6). 92-21-034, § 242-02-070, filed 10/15/92, effective 10/15/92.]

WAC 242-02-072 Principal offices. The principal offices of each board are as follows:

(1) Eastern Washington Growth
Management Hearings Board
15 West Yakima Avenue, Suite 102
Yakima, Washington 98902

509-574-6960
509-574-6964 fax
e-mail: aandreas476@ew.gmhb.wa.gov
website: www.gmhb.wa.gov

(2) Western Washington Growth
Management Hearings Board
905 24th Way S.W. Suite B-2
P.O. Box 40953
Olympia, Washington 98504-0953
(360) 664-8966
(360) 664-8975 fax
e-mail: western@ww.gmhb.wa.gov
website: www.gmhb.wa.gov

(3) Central Puget Sound Growth
Management Hearings Board
900 Fourth Avenue, Suite 2470
Seattle, Washington 98164
(206) 389-2625
(206) 389-2588 fax
e-mail: central@cps.gmhb.wa.gov
website: www.gmhb.wa.gov

[Statutory Authority: RCW 36.70A.270(7). 03-15-047, § 242-02-072, filed 7/11/03, effective 8/11/03; 98-01-144, § 242-02-072, filed 12/19/97, effective 1/20/98. Statutory Authority: RCW 36.70A.270(6). 94-23-112, § 242-02-072, filed 11/22/94, effective 12/23/94; 94-07-033, § 242-02-072, filed 3/9/94, effective 4/9/94; 92-21-034, § 242-02-072, filed 10/15/92, effective 10/15/92.]

WAC 242-02-076 Annual and semiannual joint boards meetings. (1) The annual joint boards meeting will be held on the first Thursday and first Friday of October of each year.

(a) In odd-numbered years the annual joint boards meeting will be held within the Central Puget Sound board's region.

(b) In even-numbered years the annual joint boards meeting will be held within the Eastern Washington board's region.

(c) The location, time and agenda for the annual joint boards meeting will be posted on the boards' website (www.gmhb.wa.gov) in September of each year.

(2) The semiannual joint boards meeting will be held on the last Thursday in April each year.

(a) Each year the semiannual joint boards meeting will be held within the Western Washington board's region.

(b) The location, time and agenda for the semiannual joint boards meeting will be posted on the boards' website (www.gmhb.wa.gov) in March of each year.

[Statutory Authority: RCW 36.70A.270(7). 03-15-047, § 242-02-076, filed 7/11/03, effective 8/11/03.]

WAC 242-02-834 Publication of final decision and orders. Copies of all final decisions and orders are available from the board that entered the decision and order. The growth management hearings board website is www.gmhb.wa.gov. Each board posts its decisions within its individual portion of the website and maintains a digest of its decisions.

[Statutory Authority: RCW 36.70A.270(7). 03-15-047, § 242-02-834, filed 7/11/03, effective 8/11/03; 00-09-094, § 242-02-834, filed 4/19/00, effective 5/20/00; 97-04-008, § 242-02-834, filed 1/24/97, effective 3/1/97.]

Chapter 242-04 WAC
PUBLIC RECORDS

WAC
242-04-050 Communications with each board or the joint boards.

WAC 242-04-050 Communications with each board or the joint boards. (1) All communications with a board, including but not limited to the submission of materials pertaining to its operations and/or administration or enforcement of chapter 42.17 RCW and these rules, requests for copies of each board's decisions and other matters, shall be addressed to the appropriate board's office as follows:

(a) Eastern Washington Growth
Management Hearings Board
15 West Yakima Avenue, Suite 102
Yakima, Washington 98902
509-574-6960
509-574-6964 fax
e-mail: aandreas476@ew.gmhb.wa.gov
website: www.gmhb.wa.gov

(b) Western Washington Growth
Management Hearings Board
905 24th Way S.W. Suite B-2
P.O. Box 40953
Olympia, Washington 98504-0953
(360) 664-8966
(360) 664-8975 fax
e-mail: western@ww.gmhb.wa.gov
website: www.gmhb.wa.gov

(c) Central Puget Sound Growth
Management Hearings Board
900 Fourth Avenue, Suite 2470
Seattle, Washington 98164
(206) 389-2625
(206) 389-2588 fax
e-mail: central@cps.gmhb.wa.gov
website: www.gmhb.wa.gov

(2) All communications with the joint boards shall be addressed in care of the Western Washington board.

[Statutory Authority: RCW 36.70A.270(7). 03-15-047, § 242-04-050, filed 7/11/03, effective 8/11/03; 00-09-094, § 242-04-050, filed 4/19/00, effective 5/20/00; 98-01-144, § 242-04-050, filed 12/19/97, effective 1/20/98; 97-04-008, § 242-04-050, filed 1/24/97, effective 3/1/97. Statutory Authority: RCW 36.70A.270(6). 94-23-112, § 242-04-050, filed 11/22/94, effective 12/23/94; 94-07-033, § 242-04-050, filed 3/9/94, effective 4/9/94; 92-21-034, § 242-04-050, filed 10/15/92, effective 10/15/92.]

Title 246 WAC
HEALTH, DEPARTMENT OF

Chapters

246-01 Description and organization.
246-08 Practice and procedure.
246-12 Administrative procedures and requirements for credentialed health care providers.

246-100 Communicable and certain other diseases.
246-101 Notifiable conditions.
246-205 Decontamination of illegal drug manufacturing or storage sites.
246-243 Radiation protection—Industrial radiography.
246-244 Radiation protection—Wireline services.
246-254 Radiation protection—Fees.
246-260 Water recreation facilities.
246-262 Recreational water contact facilities.
246-272B Large on-site sewage system regulations.
246-282 Sanitary control of shellfish.
246-290 Public water supplies.
246-292 Water works operator certification.
246-310 Certificate of need.
246-320 Hospital licensing regulations.
246-322 Private psychiatric and alcoholism hospitals.
246-323 Residential treatment facilities for psychiatrically impaired children and youth.
246-324 Private alcohol and chemical dependency hospitals.
246-325 Adult residential rehabilitation centers and private adult treatment homes.
246-326 Alcoholism treatment facilities.
246-329 Childbirth centers.
246-335 In-home services agencies.
246-380 State institutional survey program.
246-455 Hospital patient discharge information reporting.
246-562 Physician visa waivers.
246-650 Newborn screening.
246-680 Prenatal tests—Congenital and heritable disorders.
246-802 Acupuncturists.
246-812 Board of denture technology.
246-815 Dental hygienists.
246-826 Health care assistants.
246-828 Hearing and speech.
246-830 Massage practitioners.
246-836 Naturopathic physicians.
246-850 Orthotics and prosthetics rules.
246-851 Optometrists.
246-870 Electronic transmission of prescription information.
246-887 Pharmacy—Regulations implementing the Uniform Controlled Substances Act.
246-889 Pharmaceutical—Precursor substance control.
246-919 Medical quality assurance commission.
246-926 Radiological technologists.
246-927 Recreation therapy.
246-933 Veterinarians—Veterinary board.
246-935 Veterinary technicians.
246-976 Emergency medical services and trauma care systems.

Chapter 246-01 WAC

DESCRIPTION AND ORGANIZATION

WAC

246-01-001 Purpose and authority.
246-01-040 Repealed.
246-01-070 Repealed.
246-01-080 Organization.
246-01-090 Consumer assistance.
246-01-100 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-01-040 Department and professional boards—Relationship. [Statutory Authority: RCW 43.70.040. 95-10-043, § 246-01-040, filed 5/1/95, effective 6/1/95. Statutory Authority: RCW 43.70.050. 93-08-004 (Order 346), § 246-01-040, filed 3/24/93, effective 4/24/93.] Repealed by 03-11-032, filed 5/15/03, effective 6/15/03. Statutory Authority: Chapter 43.70 RCW, RCW 34.05.220, 42.17.250.

246-01-070 Department and health professions resource committee—Relationship. [Statutory Authority: RCW 43.70.050. 93-08-004 (Order 346), § 246-01-070, filed 3/24/93, effective 4/24/93.] Repealed by 03-11-032, filed 5/15/03, effective 6/15/03. Statutory Authority: Chapter 43.70 RCW, RCW 34.05.220, 42.17.250.

246-01-100 Current address. [Statutory Authority: RCW 43.70.050. 93-08-004 (Order 346), § 246-01-100, filed 3/24/93, effective 4/24/93.] Repealed by 03-11-032, filed 5/15/03, effective 6/15/03. Statutory Authority: Chapter 43.70 RCW, RCW 34.05.220, 42.17.250.

WAC 246-01-001 Purpose and authority. The purpose of this chapter is to describe the department of health and the general course and method of its operations. This chapter is adopted under RCW 34.05.220 and 42.17.250, and chapter 43.70 RCW.

[Statutory Authority: Chapter 43.70 RCW, RCW 34.05.220, 42.17.250. 03-11-032, § 246-01-001, filed 5/15/03, effective 6/15/03. Statutory Authority: RCW 43.70.050. 93-08-004 (Order 346), § 246-01-001, filed 3/24/93, effective 4/24/93.]

WAC 246-01-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-01-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-01-080 Organization. (1) DOH exists to protect and improve the health of the people of Washington. The department shares this mission with three primary partners:

(a) Professional boards, commissions, and committees, which have varying degrees of statutory authority, ranging from advisory powers to rule adoptions and disciplinary powers;

(b) The state board of health which has statutory authority to adopt rules to protect the public health, and may delegate this authority to the secretary and rescind the delegated authority; and

(c) Local health jurisdictions throughout the state.

(2) DOH is organized into five administrative divisions plus the secretary's office and information resource management offices:

(a) Community and family health;

(b) Environmental health;

(c) Epidemiology, health statistics and public health laboratories;

(d) Health systems quality assurance; and

(e) Management services.

(3) DOH maintains offices in Kent, Olympia, Tumwater, Richland, Shoreline and Spokane. These offices are not complete service locations and are not required to keep complete policy manuals and other records available for public inspection.

[Statutory Authority: Chapter 43.70 RCW, RCW 34.05.220, 42.17.250. 03-11-032, § 246-01-080, filed 5/15/03, effective 6/15/03. Statutory Authority: RCW 43.70.040. 95-10-043, § 246-01-080, filed 5/1/95, effective 6/1/95. Statutory Authority: RCW 43.70.050. 93-08-004 (Order 346), § 246-01-080, filed 3/24/93, effective 4/24/93.]

WAC 246-01-090 Consumer assistance. (1) The department provides a consumer assistance statewide toll-free hotline. Consumer assistance personnel assist the public with information, concerns, or complaints about the department and serve as advocates for consumers who are complainants or witnesses in a licensing or disciplinary proceeding. The health consumer assistance line is 1-800-525-0127; its mailing address is P.O. Box 47890, Olympia, WA 98504-7890.

(2) Individuals may contact the department to obtain or submit information, or make requests by:

(a) Writing to the department at Department of Health, P.O. Box 47890, Olympia, WA 98504-7890; or

(b) Visiting the department's website at: http://doh.wa.gov.

[Statutory Authority: Chapter 43.70 RCW, RCW 34.05.220, 42.17.250. 03-11-032, § 246-01-090, filed 5/15/03, effective 6/15/03. Statutory Authority: RCW 43.70.050. 93-08-004 (Order 346), § 246-01-090, filed 3/24/93, effective 4/24/93.]

WAC 246-01-100 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-08 WAC
PRACTICE AND PROCEDURE

WAC

246-08-400 How much can a medical provider charge for searching and duplicating medical records?

WAC 246-08-400 How much can a medical provider charge for searching and duplicating medical records? RCW 70.02.010(12) allows medical providers to charge fees for searching and duplicating medical records. The fees a provider may charge cannot exceed the fees listed below:

(1) Copying charge per page:

(a) No more than eighty-eight cents per page for the first thirty pages;

(b) No more than sixty-seven cents per page for all other pages.

(2) Additional charges:

(a) The provider can charge a twenty dollar clerical fee for searching and handling records;

(b) If the provider personally edits confidential information from the record, as required by statute, the provider can charge the usual fee for a basic office visit.

(3) This section is effective July 1, 2003, through June 30, 2005.

(4) This section does not restrict a health care provider, a third-party payor, or an insurer regulated under Title 48 RCW from complying with obligations imposed by federal or state health care payment programs or federal or state law.

[Statutory Authority: RCW 70.02.010(12), 43-70-040 [43.70.040] and 70.02.900. 03-14-036, § 246-08-400, filed 6/23/03, effective 7/24/03. Statutory Authority: RCW 70.02.010 and 43.70.040. 01-16-009, § 246-08-400, filed 7/19/01, effective 8/19/01; 99-13-083, § 246-08-400, filed 6/14/99, effective 7/15/99. Statutory Authority: RCW 70.02.010(12) and 43.70.040. 97-12-087, § 246-08-400, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 43.70.040 and 70.02.101(12). 95-20-080, § 246-08-400, filed 10/4/95, effective 11/4/95.]

Chapter 246-12 WAC
ADMINISTRATIVE PROCEDURES AND REQUIREMENTS FOR CREDENTIALED HEALTH CARE PROVIDERS

WAC

246-12-040 How to return to active status when a credential has expired.

WAC 246-12-040 How to return to active status when a credential has expired. (1) The credential status is **expired** if the practitioner does not renew on or before the expiration date. The practitioner must not practice until the credential is returned to active status.

(2) Any renewal that is postmarked or presented to the department after midnight on the expiration date is late, and subject to a **late renewal penalty fee.** The late penalty fee will be waived if:

(a) The credential expires on a day the department is closed for business; and

(b) Payment is received at the department of health, health professions quality assurance main office on the next business day.

(3) A credential is returned to active status by complying with the following:

(a) Expired for one renewal cycle or less:

(i) Pay the late renewal penalty fee;

(ii) Pay the current renewal fee;

(iii) Pay the current substance abuse monitoring surcharge, if required by the profession;

(iv) Provide written declarations or documentation, if required for the profession; and

(v) Comply with current continuing education or continuing competency requirements if required by the profession.

(b) Expired for more than one renewal cycle but less than three years:

(i) Complete an abbreviated application form;

(ii) Pay the late renewal penalty fee;

(iii) Pay the current renewal fee;

(iv) Pay the current substance abuse monitoring surcharge, if required by the profession;

(v) Pay the expired credential reissuance fee;

(vi) Provide a written declaration that no action has been taken by a state or federal jurisdiction or hospital which would prevent or restrict the practitioner's practice of the profession;

(vii) Provide a written declaration that he or she has not voluntarily given up any credential or privilege or has not been restricted in the practice of the profession in lieu of or to avoid formal action;

(viii) Provide a written declaration that continuing education and competency requirements for the two most recent years have been met, if required for the profession to maintain an active credential; and

(ix) Provide other written declarations or documentation, if required for the profession.

(c) Expired for over three years:

(i) Complete an abbreviated application form;

(ii) Pay the late renewal penalty fee;

(iii) Pay the current renewal fee;

(iv) Pay the current substance abuse monitoring surcharge, if required by the profession;

(v) Pay the expired credential reissuance fee;

(vi) Satisfy other competency requirements of the regulatory entity, if required;

(vii) Provide a written declaration that no action has been taken by a state or federal jurisdiction or hospital which would prevent or restrict the practitioner's practice of the profession;

(viii) Provide a written declaration that he or she has not voluntarily given up any credential or privilege or has not been restricted in the practice of the profession in lieu of or to avoid formal action;

(ix) Provide a written declaration that continuing education or competency requirements for the two most recent years have been met, if required for the profession to maintain an active credential;

(x) Provide other written declarations or documentation, if required for the profession; and

(xi) If not previously provided, provide proof of AIDS education as required for the profession and in Part 8 of this chapter.

[Statutory Authority: RCW 43.70.280. 03-19-136, § 246-12-040, filed 9/17/03, effective 10/18/03; 98-05-060, § 246-12-040, filed 2/13/98, effective 3/16/98.]

Chapter 246-100 WAC
COMMUNICABLE AND CERTAIN OTHER DISEASES

WAC

246-100-011	Definitions.
246-100-036	Responsibilities and duties—Local health officers.
246-100-040	Procedures for isolation or quarantine.
246-100-045	Conditions and principles for isolation or quarantine.
246-100-050	Isolation or quarantine premises.
246-100-055	Relief from isolation or quarantine.
246-100-060	Right to counsel.
246-100-065	Consolidation.
246-100-070	Enforcement of local health officer orders.

WAC 246-100-011 Definitions. The following definitions shall apply in the interpretation and enforcement of chapter 246-100 WAC:

(1) "Acquired immunodeficiency syndrome (AIDS)" means illness, disease, or conditions defined and described by the Centers for Disease Control, U.S. Public Health Service, Morbidity and Mortality Weekly Report (MMWR), December 18, 1992, Volume 41, Number RR-17. A copy of this publication is available for review at the department and at each local health department.

(2) "AIDS counseling" means counseling directed toward:

(a) Increasing the individual's understanding of acquired immunodeficiency syndrome; and

(b) Assessing the individual's risk of HIV acquisition and transmission; and

(c) Affecting the individual's behavior in ways to reduce the risk of acquiring and transmitting HIV infection.

(3) "Board" means the Washington state board of health.

(4) "Case" means a person, alive or dead, having been diagnosed to have a particular disease or condition by a health care provider with diagnosis based on clinical or laboratory criteria or both.

(5) "Child day care facility" means an agency regularly providing care for a group of children for less than twenty-four hours a day and subject to licensing under chapter 74.15 RCW.

(6) "Communicable disease" means an illness caused by an infectious agent which can be transmitted from one person, animal, or object to another person by direct or indirect means including transmission via an intermediate host or vector, food, water, or air.

(7) "Contaminated" or "contamination" means containing or having contact with infectious agents or chemical or radiological materials that pose an immediate threat to present or future public health.

(8) "Contamination control measures" means the management of persons, animals, goods, and facilities that are contaminated, or suspected to be contaminated, in a manner to avoid human exposure to the contaminant, prevent the contaminant from spreading, and/or effect decontamination.

(9) "Department" means the Washington state department of health.

(10) "Detention" or "detainment" means physical restriction of activities of an individual by confinement for the purpose of controlling or preventing a serious and imminent threat to public health and may include physical plant, facilities, equipment, and/or personnel to physically restrict activities of the individual to accomplish such purposes.

(11) "Disease control measures" means the management of persons, animals, goods, and facilities that are infected with, suspected to be infected with, exposed to, or suspected to be exposed to an infectious agent in a manner to prevent transmission of the infectious agent to humans.

(12) "Health care facility" means:

(a) Any facility or institution licensed under chapter 18.20 RCW, boarding home, chapter 18.46 RCW, birthing centers, chapter 18.51 RCW, nursing homes, chapter 70.41 RCW, hospitals, or chapter 71.12 RCW, private establishments, clinics, or other settings where one or more health care providers practice; and

(b) In reference to a sexually transmitted disease, other settings as defined in chapter 70.24 RCW.

(13) "Health care provider" means any person having direct or supervisory responsibility for the delivery of health care who is:

(a) Licensed or certified in this state under Title 18 RCW; or

(b) Is military personnel providing health care within the state regardless of licensure.

(14) "HIV testing" means conducting a laboratory test or sequence of tests to detect the human immunodeficiency virus (HIV) or antibodies to HIV performed in accordance with requirements to WAC 246-100-207. To assure that the protection, including but not limited to, pre- and post-test counseling, consent, and confidentiality afforded to HIV testing as described in chapter 246-100 WAC also applies to the enumeration of CD4 + (T4) lymphocyte counts (CD4 + counts) and CD4 + (T4) percents of total lymphocytes (CD4 + percents) when used to diagnose HIV infection,

CD4 + counts and CD4 + percents will be presumed HIV testing except when shown by clear and convincing evidence to be for use in the following circumstances:

(a) Monitoring previously diagnosed infection with HIV;

(b) Monitoring organ or bone marrow transplants;

(c) Monitoring chemotherapy;

(d) Medical research; or

(e) Diagnosis or monitoring of congenital immunodeficiency states or autoimmune states not related to HIV.

The burden of proving the existence of one or more of the circumstances identified in (a) through (e) of this subsection shall be on the person asserting such existence.

(15) "Infectious agent" means an organism such as a virus, rickettsia, bacteria, fungus, protozoan, or helminth that is capable of producing infection or infectious disease.

(16) "Isolation" means the separation, for the period of communicability or contamination, of infected or contaminated persons or animals from others in such places and under such conditions as to prevent or limit the direct or indirect transmission of the infectious agent or contaminant from those infected or contaminated to those who are susceptible or who may spread the agent or contaminant to others.

(17) "Local health department" means the city, town, county, or district agency providing public health services to persons within the area, as provided in chapter 70.05 RCW and chapter 70.08 RCW.

(18) "Local health officer" means the individual having been appointed under chapter 70.05 RCW as the health officer for the local health department, or having been appointed under chapter 70.08 RCW as the director of public health of a combined city-county health department, or his or her delegee appointed by the local board of health.

(19) "Nosocomial infection" means an infection acquired in a hospital or other health care facility.

(20) "Outbreak" means the occurrence of cases of a disease or condition in any area over a given period of time in excess of the expected number of cases.

(21) "Post-test counseling" means counseling after the HIV test when results are provided and directed toward:

(a) Increasing the individual's understanding of human immunodeficiency virus (HIV) infection;

(b) Affecting the individual's behavior in ways to reduce the risk of acquiring and transmitting HIV infection;

(c) Encouraging the individual testing positive to notify persons with whom there has been contact capable of spreading HIV;

(d) Assessing emotional impact of HIV test results; and

(e) Appropriate referral for other community support services.

(22) "Pretest counseling" means counseling provided prior to HIV testing and aimed at:

(a) Helping an individual to understand:

(i) Ways to reduce the risk of human immunodeficiency virus (HIV) transmission;

(ii) The nature, purpose, and potential ramifications of HIV testing;

(iii) The significance of the results of HIV testing; and

(iv) The dangers of HIV infection; and

(b) Assessing the individual's ability to cope with the results of HIV testing.

(23) "Principal health care provider" means the attending physician or other health care provider recognized as primarily responsible for diagnosis and treatment of a patient or, in the absence of such, the health care provider initiating diagnostic testing or therapy for a patient.

(24) "Quarantine" means the limitation of freedom of movement of such well persons or domestic animals as have been exposed to, or are suspected to have been exposed to, an infectious agent, for a period of time not longer than the longest usual incubation period of the infectious agent, in such manner as to prevent effective contact with those not so exposed.

(25) "School" means a facility for programs of education as defined in RCW 28A.210.070 (preschool and kindergarten through grade twelve).

(26) "Sexually transmitted disease (STD)" means a bacterial, viral, fungal, or parasitic disease or condition which is usually transmitted through sexual contact, including:

(a) Acute pelvic inflammatory disease;

(b) Chancroid;

(c) Chlamydia trachomatis infection;

(d) Genital and neonatal herpes simplex;

(e) Genital human papilloma virus infection;

(f) Gonorrhea;

(g) Granuloma inguinale;

(h) Hepatitis B infection;

(i) Human immunodeficiency virus infection (HIV) and acquired immunodeficiency syndrome (AIDS);

(j) Lymphogranuloma venereum;

(k) Nongonococcal urethritis (NGU); and

(l) Syphilis.

(27) "Spouse" means any individual who is the marriage partner of an HIV-infected individual, or who has been the marriage partner of the HIV-infected individual within the ten-year period prior to the diagnosis of HIV-infection, and evidence exists of possible exposure to HIV.

(28) "State health officer" means the person designated by the secretary of the department to serve as statewide health officer, or, in the absence of such designation, the person having primary responsibility for public health matters in the state.

(29) "Suspected case" or "suspected to be infected" means the local health officer, in his or her professional judgment, reasonably believes that infection with a particular infectious agent is likely based on signs and symptoms, laboratory evidence, or contact with an infected individual, animal, or contaminated environment.

(30) "Veterinarian" means an individual licensed under provisions of chapter 18.92 RCW, veterinary medicine, surgery, and dentistry and practicing animal health care.

[Statutory Authority: RCW 43.20.050 (2)(d), 70.05.050 and 70.05.060. 03-06-003, § 246-100-011, filed 2/19/03, effective 2/19/03. Statutory Authority: RCW 43.20.050. 00-23-120, § 246-100-011, filed 11/22/00, effective 12/23/00. Statutory Authority: RCW 70.24.022, [70.24].340 and Public Law 104-146. 97-15-099, § 246-100-011, filed 7/21/97, effective 7/21/97. Statutory Authority: Chapter 70.24 RCW. 93-08-036 (Order 354B), § 246-100-011, filed 4/1/93, effective 5/2/93. Statutory Authority: RCW 43.20.050 and 70.24.130. 92-02-019 (Order 225B), § 246-100-011, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-100-011, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.24 RCW. 89-07-095 (Order 325), § 248-100-011, filed 3/22/89; 88-17-057 (Order 317), § 248-100-011, filed 8/17/88.

Statutory Authority: RCW 43.20.050. 88-07-063 (Order 308), § 248-100-011, filed 3/16/88; 87-11-047 (Order 302), § 248-100-011, filed 5/19/87.]

WAC 246-100-036 Responsibilities and duties—Local health officers. (1) The local health officer shall establish, in consultation with local health care providers, health facilities, emergency management personnel, law enforcement agencies, and any other entity he or she deems necessary, plans, policies, and procedures for instituting emergency measures necessary to prevent the spread of communicable disease or contamination.

(2) Local health officers shall:

(a) Notify health care providers within the health district regarding requirements in this chapter;

(b) Ensure anonymous HIV testing is reasonably available;

(c) Make HIV testing, AIDS counseling, and pretest and post-test counseling, as defined in this chapter, available for voluntary, mandatory, and anonymous testing and counseling as required by RCW 70.24.400;

(d) Make information on anonymous HIV testing, AIDS counseling, and pretest and post-test counseling, as described under WAC 246-100-208 and 246-100-209, available;

(e) Use identifying information on HIV-infected individuals provided according to chapter 246-101 WAC only:

(i) For purposes of contacting the HIV-positive individual to provide test results and post-test counseling; or

(ii) To contact persons who have experienced substantial exposure, including sex and injection equipment-sharing partners, and spouses; or

(iii) To link with other name-based public health disease registries when doing so will improve ability to provide needed care services and counseling and disease prevention; and

(f) Destroy documentation of referral information established in WAC 246-100-072 and this subsection containing identities and identifying information on HIV-infected individuals and at-risk partners of those individuals immediately after notifying partners or within three months, whichever occurs first.

(3) Local health officers shall, when necessary, conduct investigations and institute disease control and contamination control measures, including medical examination, testing, counseling, treatment, vaccination, decontamination of persons or animals, isolation, quarantine, vector control, condemnation of food supplies, and inspection and closure of facilities, consistent with those indicated in the 17th edition, 2000 of the *Control of Communicable Disease Manual*, published by the American Public Health Association, or other measures he or she deems necessary based on his or her professional judgment, current standards of practice and the best available medical and scientific information.

(4) A local health department may make agreements with tribal governments, with federal authorities or with state agencies or institutions of higher education that empower the local health officer to conduct investigations and institute control measures in accordance with WAC 246-100-040 on tribal lands, federal enclaves and military bases, and the campuses of state institutions. State institutions include, but are not limited to, state-operated colleges and universities, schools, hospitals, prisons, group homes, juvenile detention centers, institutions for juvenile delinquents, and residential habilitation centers.

[Statutory Authority: RCW 43.20.050. 03-17-022, § 246-100-036, filed 8/13/03, effective 9/13/03. Statutory Authority: RCW 43.20.050 (2)(d), 70.05.050, and 70.05.060. 03-05-048, § 246-100-036, filed 2/13/03, effective 2/13/03. Statutory Authority: RCW 43.20.050. 00-23-120, § 246-100-036, filed 11/22/00, effective 12/23/00. Statutory Authority: RCW 70.24.125 and 70.24.130. 99-17-077, § 246-100-036, filed 8/13/99, effective 9/1/99. Statutory Authority: RCW 70.24.022, [70.24].340 and Public Law 104-146. 97-15-099, § 246-100-036, filed 7/21/97, effective 7/21/97. Statutory Authority: RCW 43.20.050 and 70.24.130. 92-02-019 (Order 225B), § 246-100-036, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-100-036, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.24 RCW. 89-02-008 (Order 324), § 248-100-036, filed 12/27/88. Statutory Authority: RCW 43.20.050. 88-07-063 (Order 308), § 248-100-036, filed 3/16/88.]

WAC 246-100-040 Procedures for isolation or quarantine. (1) At his or her sole discretion, a local health officer may issue an emergency detention order causing a person or group of persons to be immediately detained for purposes of isolation or quarantine in accordance with subsection (3) of this section, or may petition the superior court *ex parte* for an order to take the person or group of persons into involuntary detention for purposes of isolation or quarantine in accordance with subsection (4) of this section, provided that he or she:

(a) Has first made reasonable efforts, which shall be documented, to obtain voluntary compliance with requests for medical examination, testing, treatment, counseling, vaccination, decontamination of persons or animals, isolation, quarantine, and inspection and closure of facilities, or has determined in his or her professional judgment that seeking voluntary compliance would create a risk of serious harm; and

(b) Has reason to believe that the person or group of persons is, or is suspected to be, infected with, exposed to, or contaminated with a communicable disease or chemical, biological, or radiological agent that could spread to or contaminate others if remedial action is not taken; and

(c) Has reason to believe that the person or group of persons would pose a serious and imminent risk to the health and safety of others if not detained for purposes of isolation or quarantine.

(2) A local health officer may invoke the powers of police officers, sheriffs, constables, and all other officers and employees of any political subdivisions within the jurisdiction of the health department to enforce immediately orders given to effectuate the purposes of this section in accordance with the provisions of RCW 43.20.050(4) and 70.05.120.

(3) If a local health officer orders the immediate involuntary detention of a person or group of persons for purposes of isolation or quarantine:

(a) The emergency detention order shall be for a period not to exceed ten days.

(b) The local health officer shall issue a written emergency detention order as soon as reasonably possible and in all cases within twelve hours of detention that shall specify the following:

(i) The identity of all persons or groups subject to isolation or quarantine;

(ii) The premises subject to isolation or quarantine;

(iii) The date and time at which isolation or quarantine commences;

(iv) The suspected communicable disease or infectious agent if known;

(v) The measures taken by the local health officer to seek voluntary compliance or the basis on which the local health officer determined that seeking voluntary compliance would create a risk of serious harm; and

(vi) The medical basis on which isolation or quarantine is justified.

(c) The local health officer shall provide copies of the written emergency detention order to the person or group of persons detained or, if the order applies to a group and it is impractical to provide individual copies, post copies in a conspicuous place in the premises where isolation or quarantine has been imposed.

(d) Along with the written order, and by the same means of distribution, the local health officer shall provide the person or group of persons detained with the following written notice:

NOTICE: You have the right to petition the superior court for release from isolation or quarantine in accordance with WAC 246-100-055. You have a right to legal counsel. If you are unable to afford legal counsel, then counsel will be appointed for you at government expense and you should request the appointment of counsel at this time. If you currently have legal counsel, then you have an opportunity to contact that counsel for assistance.

(4) If a local health officer petitions the superior court *ex parte* for an order authorizing involuntary detention of a person or group of persons for purposes of isolation or quarantine pursuant to this section:

(a) The petition shall specify:

(i) The identity of all persons or groups to be subject to isolation or quarantine;

(ii) The premises where isolation or quarantine will take place;

(iii) The date and time at which isolation or quarantine will commence;

(iv) The suspected communicable disease or infectious agent if known;

(v) The anticipated duration of isolation or quarantine based on the suspected communicable disease or infectious agent if known;

(vi) The measures taken by the local health officer to seek voluntary compliance or the basis on which the local health officer determined that seeking voluntary compliance would create a risk of serious harm;

(vii) The medical basis on which isolation or quarantine is justified.

(b) The petition shall be accompanied by the declaration of the local health officer attesting to the facts asserted in the petition, together with any further information that may be relevant and material to the court's consideration.

(c) Notice to the persons or groups identified in the petition shall be accomplished in accordance with the rules of civil procedure.

(d) The court shall hold a hearing on a petition filed pursuant to this section within seventy-two hours of filing, exclusive of Saturdays, Sundays, and holidays.

(e) The court shall issue the order if there is a reasonable basis to find that isolation or quarantine is necessary to prevent a serious and imminent risk to the health and safety of others.

(f) A court order authorizing isolation or quarantine as a result of an *ex parte* hearing shall:

(i) Specify a maximum duration for isolation or quarantine not to exceed ten days;

(ii) Identify the isolated or quarantined persons or groups by name or shared or similar characteristics or circumstances;

(iii) Specify factual findings warranting isolation or quarantine pursuant to this section;

(iv) Include any conditions necessary to ensure that isolation or quarantine is carried out within the stated purposes and restrictions of this section;

(v) Specify the premises where isolation or quarantine will take place; and

(vi) Be served on all affected persons or groups in accordance with the rules of civil procedure.

(5) A local health officer may petition the superior court for an order authorizing the continued isolation or quarantine of a person or group detained under subsections (3) or (4) of this section for a period up to thirty days.

(a) The petition shall specify:

(i) The identity of all persons or groups subject to isolation or quarantine;

(ii) The premises where isolation or quarantine is taking place;

(iii) The communicable disease or infectious agent if known;

(iv) The anticipated duration of isolation or quarantine based on the suspected communicable disease or infectious agent if known;

(v) The medical basis on which continued isolation or quarantine is justified.

(b) The petition shall be accompanied by the declaration of the local health officer attesting to the facts asserted in the petition, together with any further information that may be relevant and material to the court's consideration.

(c) The petition shall be accompanied by a statement of compliance with the conditions and principles for isolation and quarantine contained in WAC 246-100-045.

(d) Notice to the persons or groups identified in the petition shall be accomplished in accordance with the rules of civil procedure.

(e) The court shall hold a hearing on a petition filed pursuant to this subsection within seventy-two hours of filing, exclusive of Saturdays, Sundays, and holidays. In extraordinary circumstances and for good cause shown, the local health officer may apply to continue the hearing date for up to ten days, which continuance the court may grant at its discretion giving due regard to the rights of the affected individuals, the protection of the public's health, the severity of the public health threat, and the availability of necessary witnesses and evidence.

(f) The court shall grant the petition if it finds that there is clear, cogent, and convincing evidence that isolation or quarantine is necessary to prevent a serious and imminent risk to the health and safety of others.

(g) A court order authorizing continued isolation or quarantine as a result of a hearing shall:

(i) Specify a maximum duration for isolation or quarantine not to exceed thirty days;

(ii) Identify the isolated or quarantined persons or groups by name or shared or similar characteristics or circumstances;

(iii) Specify factual findings warranting isolation or quarantine pursuant to this section;

(iv) Include any conditions necessary to ensure that isolation or quarantine is carried out within the stated purposes and restrictions of this section;

(v) Specify the premises where isolation or quarantine will take place; and

(vi) Be served on all affected persons or groups in accordance with the rules of civil procedure.

(6) Prior to the expiration of a court order for continued detention issued pursuant to subsection (5) of this section, the local health officer may petition the superior court to continue isolation or quarantine provided:

(a) The court finds there is a reasonable basis to require continued isolation or quarantine to prevent a serious and imminent threat to the health and safety of others.

(b) The order shall be for a period not to exceed thirty days.

(7) State statutes, rules, and state and federal emergency declarations governing procedures for detention, examination, counseling, testing, treatment, vaccination, isolation, or quarantine for specified health emergencies or specified communicable diseases, including, but not limited to, tuberculosis and HIV, shall supercede this section.

[Statutory Authority: RCW 43.20.050 (2)(d), 70.05.050, and 70.05.060. 03-05-048, § 246-100-040, filed 2/13/03, effective 2/13/03.]

WAC 246-100-045 Conditions and principles for isolation or quarantine. The local health officer shall adhere to the following conditions and principles when isolating or quarantining a person or group of persons in accordance with WAC 246-100-040:

(1) Isolation or quarantine must be by the least restrictive means necessary to prevent the spread of a communicable or possibly communicable disease to others and may include, but are not limited to, confinement to private homes or other public or private premises;

(2) Isolated individuals must be confined separately from quarantined individuals;

(3) The health status of isolated or quarantined individuals must be monitored regularly to determine if they require continued isolation or quarantine;

(4) If a quarantined individual subsequently becomes infected or is reasonably believed to have become infected with a communicable or possibly communicable disease that the local health officer believes poses a significant threat to the health and safety of other quarantined individuals, he or she must promptly be placed in isolation;

(5) Isolated or quarantined individuals must be released as soon as practicable when the local health officer determines that they have been successfully decontaminated or that they pose no substantial risk of transmitting a communicable or possibly communicable disease that would constitute a serious or imminent threat to the health and safety of others;

(6) The needs of a person isolated or quarantined must be addressed to the greatest extent possible in a systematic and competent fashion, including, but not limited to, providing adequate food, clothing, shelter, means of communication with those in isolation or quarantine and outside these settings, medication, and competent medical care;

(7) Premises used for isolation or quarantine must be maintained in a safe and hygienic manner to minimize the likelihood of further transmission of infection or other harm to persons isolated and quarantined;

(8) To the extent possible, cultural and religious beliefs should be considered in addressing the needs of individuals, and establishing and maintaining isolation or quarantine premises;

(9) Isolation or quarantine shall not abridge the right of any person to rely exclusively on spiritual means alone through prayer to treat a communicable or possibly communicable disease in accordance with religious tenets and practices, nor shall anything in this chapter be deemed to prohibit a person so relying who is infected with a contagious or communicable disease from being isolated or quarantined in a private place of his or her own choice, provided, it is approved by the local health officer, and all laws, rules and regulations governing control, sanitation, isolation and quarantine are complied with. At his or her sole discretion, the local health officer may isolate infected individuals declining treatment for the duration of their communicable infection.

[Statutory Authority: RCW 43.20.050 (2)(d), 70.05.050, and 70.05.060. 03-05-048, § 246-100-045, filed 2/13/03, effective 2/13/03.]

WAC 246-100-050 Isolation or quarantine premises. (1) Entry into isolation or quarantine premises shall be restricted under the following conditions:

(a) The local health officer may authorize physicians, health care workers, or others access to individuals in isolation or quarantine pursuant to WAC 246-100-040 as necessary to meet the needs of isolated or quarantined individuals;

(b) No person, other than a person authorized by the local health officer, shall enter isolation or quarantine premises;

(c) Any person entering isolation or quarantine premises shall be provided with infection control training and may be required to wear personal protective equipment or receive vaccination as appropriate;

(d) Any person entering isolation or quarantine premises with or without authorization of the local health officer may be isolated or quarantined.

(2) Persons subject to isolation or quarantine and persons entering isolation or quarantine premises shall obey the rules established by the state board of health and the orders of the local health officer, and failure to do so shall constitute a misdemeanor consistent with the provisions of RCW 43.20.050(4) and 70.05.120.

[Statutory Authority: RCW 43.20.050 (2)(d), 70.05.050, and 70.05.060. 03-05-048, § 246-100-050, filed 2/13/03, effective 2/13/03.]

WAC 246-100-055 Relief from isolation or quarantine. Any person or group of persons isolated or quarantined pursuant to this chapter may seek relief from the superior court.

(1) Any person or group of persons detained by order of a local health officer pursuant to WAC 246-100-040(3) may apply to the court for an order to show cause why the individual or group should not be released.

(a) The court shall rule on the application to show cause within forty-eight hours of its filing.

(b) If the court grants the application, the court shall schedule a hearing on the order to show cause as soon as practicable.

(c) The issuance of an order to show cause shall not stay or enjoin an isolation or quarantine order.

(2) An individual or group isolated or quarantined may request a hearing in the court for remedies regarding breaches to the conditions of isolation or quarantine required by WAC 246-100-045.

(3) A request for a hearing shall not stay or enjoin an isolation or quarantine order.

(4) Upon receipt of a request under this subsection alleging extraordinary circumstances justifying the immediate granting of relief, the court shall fix a date for hearing on the matters alleged as soon as practicable.

(5) Otherwise, upon receipt of a request under this section, the court shall fix a date for hearing on the matters alleged within five days from receipt of the request.

(6) In any proceedings brought for relief under this subsection, in extraordinary circumstances and for good cause shown, the local health authority may move the court to extend the time for a hearing, which extension the court in its discretion may grant giving due regard to the rights of the affected individuals, the protection of the public's health, the severity of the emergency and the availability of necessary witnesses and evidence.

(7) Any hearings for relief under this section involving a petitioner or petitioners judged to be contagious for a communicable disease will be conducted in a manner that utilizes appropriate infection control precautions and minimizes the risk of disease transmission.

[Statutory Authority: RCW 43.20.050 (2)(d), 70.05.050, and 70.05.060. 03-05-048, § 246-100-055, filed 2/13/03, effective 2/13/03.]

WAC 246-100-060 Right to counsel. A person or group of persons isolated or quarantined pursuant to WAC 246-100-040 has a right to be represented by counsel if they so elect. If such person or group requests counsel and cannot afford counsel, the court shall appoint counsel consistent with the provisions of chapter 10.101 RCW. The local health officer must provide adequate means of communication between such persons or groups and their counsel.

[Statutory Authority: RCW 43.20.050 (2)(d), 70.05.050, and 70.05.060. 03-05-048, § 246-100-060, filed 2/13/03, effective 2/13/03.]

WAC 246-100-065 Consolidation. In any proceedings brought pursuant to this chapter, to promote the fair and efficient operation of justice and having given due regard to the rights of affected persons, the severity of the threat to the public's health, and the availability of necessary witnesses and evidence, the court may order the consolidation of individual claims into group claims where:

(1) The number of individuals involved or to be affected is so large as to render individual participation impractical;

(2) There are questions of law or fact common to the individual claims or rights to be determined;

(3) The group claims or rights to be determined are typical of the affected persons' claims or rights; and

(4) The entire group will be adequately represented in the consolidation.

[Statutory Authority: RCW 43.20.050 (2)(d), 70.05.050, and 70.05.060. 03-05-048, § 246-100-065, filed 2/13/03, effective 2/13/03.]

WAC 246-100-070 Enforcement of local health officer orders. (1) An order issued by a local health officer in accordance with this chapter shall constitute the duly authorized application of lawful rules adopted by the state board of health and must be enforced by all police officers, sheriffs, constables, and all other officers and employees of any political subdivisions within the jurisdiction of the health department in accordance with RCW 43.20.050.

(2) Any person who shall violate any of the provisions of this chapter or any lawful rule adopted by the board shall be deemed guilty of a misdemeanor punishable as provided under RCW 43.20.050.

(3) Any person who shall fail or refuse to obey any lawful order issued by any local health officer shall be deemed guilty of a misdemeanor punishable as provided under RCW 70.05.120.

[Statutory Authority: RCW 43.20.050 (2)(d), 70.05.050, and 70.05.060. 03-05-048, § 246-100-070, filed 2/13/03, effective 2/13/03.]

Chapter 246-101 WAC
NOTIFIABLE CONDITIONS

WAC

246-101-505 Duties of the local health officer or the local health department.

WAC 246-101-505 Duties of the local health officer or the local health department. Local health officers or the local health department shall:

(1) Review and determine appropriate action for:

(a) Each reported case or suspected case of a notifiable condition;

(b) Any disease or condition considered a threat to public health; and

(c) Each reported outbreak or suspected outbreak of disease, requesting assistance from the department in carrying out investigations when necessary;

(2) Establish a system at the local health department for maintaining confidentiality of written records and written and telephoned notifiable conditions case reports;

(3) Notify health care providers, laboratories, and health care facilities within the jurisdiction of the health department of requirements in this chapter;

(4) Notify the department of cases of any condition notifiable to the local health department (except animal bites) upon completion of the case investigation;

(5) Distribute appropriate notification forms to persons responsible for reporting;

(6) Notify the principal health care provider:

(a) If possible, prior to initiating a case investigation by the local health department; and

(b) For HIV infection, not contact the HIV-infected person directly without considering the recommendations of the principal health care provider on the necessity and best means for conducting the case investigation, unless:

(i) The principal health care provider cannot be identified; or

(ii) Reasonable efforts to reach the principal health care provider over a two-week period of time have failed;

(7) Allow laboratories to contact the health care provider ordering the diagnostic test before initiating patient contact if requested and the delay is unlikely to jeopardize public health;

(8) Conduct investigations and institute control measures in accordance with chapter 246-100 WAC;

(9) The local health department may negotiate alternate arrangements for meeting the reporting requirements under this chapter through cooperative agreement between the local health department and any health care provider, laboratory or health care facility;

(10) Each local health officer has the authority to:

(a) Carry out additional steps determined to be necessary to verify a diagnosis reported by a health care provider;

(b) Require any person suspected of having a reportable disease or condition to submit to examinations required to determine the presence of the disease or condition;

(c) Investigate any case or suspected case of a reportable disease or condition or other illness, communicable or otherwise, if deemed necessary;

(d) Require the notification of additional conditions of public health importance occurring within the jurisdiction of the local health officer.

[Statutory Authority: RCW 43.20.050 (2)(d), 70.05.050 and 70.05.060. 03-06-003, § 246-101-505, filed 2/19/03, effective 2/19/03. Statutory Authority: RCW 43.20.050. 00-23-120, § 246-101-505, filed 11/22/00, effective 12/23/00.]

Chapter 246-205 WAC

DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING OR STORAGE SITES

WAC

246-205-990 Fees.

WAC 246-205-990 Fees. (1) The department shall charge fees for issuance and renewal of certificates. The department shall set the fees by rule.

(2) The fees shall cover the cost of issuing certificates, filing papers and notices, and administering this chapter. The costs shall include reproduction, travel, per diem, and administrative and legal support costs.

(3) Fees are nonrefundable and shall be in the form of check or money order made payable to the department.

(4) The department shall require payment of the following fees upon receipt of application:

(a) Twenty-eight dollars shall be assessed for each initial, renewal, or reciprocal worker certificate application.

(b) Twenty-eight dollars shall be assessed for each initial, renewal, or reciprocal supervisor certificate application.

(c) Five hundred seventy dollars shall be assessed for each initial, renewal, or reciprocal authorized contractor certificate application. The applicant's certificate shall expire annually on the expiration date of the contractor's license issued under the provisions of chapter 18.27 RCW.

(d) Two hundred seventeen dollars shall be assessed for each initial application and fifty-two dollars shall be assessed for each renewal application for illegal drug manufacturing or storage site decontamination training course approval.

[Statutory Authority: RCW 43.70.250 and 43.70.110. 03-13-123, § 246-205-990, filed 6/18/03, effective 7/19/03. Statutory Authority: RCW 43.70.250, 70.90.150, and 43.20B.250. 01-14-047, § 246-205-990, filed 6/29/01, effective 7/30/01. Statutory Authority: RCW 43.70.250. 00-02-016, § 246-205-990, filed 12/27/99, effective 1/27/00; 99-12-022, § 246-205-990, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 64.44.060 and chapter 64.44 RCW. 91-04-007 (Order 125SB), § 246-205-990, filed 1/24/91, effective 4/1/91.]

Chapter 246-243 WAC

RADIATION PROTECTION—INDUSTRIAL RADIOGRAPHY

WAC

246-243-150 Personnel monitoring control.

WAC 246-243-150 Personnel monitoring control. (1) A licensee may not permit any individual to act as a radiographer or as a radiographer's assistant unless, at all times during radiographic operations, the individual wears a direct reading pocket dosimeter, an alarming rate meter, and a personnel dosimeter that is processed and evaluated by an accredited National Voluntary Laboratory Accreditation Program (NVLAP) processor on the trunk of the body. In permanent facilities where other appropriate alarming or warning devices are in routine use, the wearing of an alarming rate meter is not required.

(a) Pocket dosimeters must be capable of measuring exposures from zero to at least 200 milliroentgens. Electronic personal dosimeters may only be used in place of ion-chamber pocket dosimeters.

(b) Each personnel dosimeter shall be assigned to and worn by only one individual.

(c) Film badges must be replaced at periods not to exceed one month and other personnel dosimeters processed and evaluated by an accredited NVLAP processor must be replaced at periods not to exceed three months.

(d) After replacement, each personnel dosimeter must be processed as soon as possible.

(2)(a) Direct reading dosimeters such as pocket dosimeters or electronic personal dosimeters shall be read and exposures recorded at the beginning and end of each shift. Pocket dosimeters shall be charged at the beginning of each shift. Pocket dosimeters shall be checked annually at periods not to exceed twelve months for correct response to radiation. Acceptable dosimeters shall read within plus or minus twenty percent of the true radiation exposure.

(b) Each alarming rate meter must:

(i) Be checked to ensure that the alarm functions properly (sounds) prior to use at the start of each shift;

(ii) Be set to give an alarm signal at a maximum preset rate of 5 mSv/hr. (500 mR/hr.);

(iii) Require special means to change the preset alarm functions; and

(iv) Be calibrated annually at periods not to exceed twelve months for correct response to radiation: Acceptable rate meters must alarm within plus or minus twenty percent of the true radiation exposure rate.

(3) If an individual's pocket dosimeter is found to be offscale, or if his or her electronic personal dosimeter reads

greater than 2 millisieverts (200 millirems), and the possibility of radiation exposure cannot be ruled out as the cause, the individual's personnel dosimeter must be sent for processing within twenty-four hours. In addition, the individual may not resume work associated with licensed material use until a determination of the individual's radiation exposure has been made. This determination shall be made by the RSO or the RSO's designee.

(4) If the personnel dosimeter required by this section is lost or damaged, the worker shall cease work immediately until a replacement personnel dosimeter is provided and the exposure is calculated for the time period from issuance to loss or damage of the personnel dosimeter.

(5) Each licensee shall maintain the following exposure records:

(a) Direct reading dosimeter readings and yearly operability checks required by subsection (2) of this section for three years after the record is made.

(b) Records of alarm rate meter calibrations for three years after the record is made.

(c) Reports received from the personnel dosimeter accredited NVLAP processor until the department terminates the licensee.

(d) Records of estimates of exposures as a result of: Off-scale personal direct reading dosimeters, or lost or damaged personnel dosimeters, until the department terminates the license. The time period for which the personnel dosimeter was lost or damaged shall be included in the records.

[Statutory Authority: RCW 70.98.050. 03-12-062, § 246-243-150, filed 6/2/03, effective 7/3/03; 00-08-013, § 246-243-150, filed 3/24/00, effective 4/24/00; 94-01-073, § 246-243-150, filed 12/9/93, effective 1/9/94. Statutory Authority: RCW 70.98.050 and 70.98.080. 91-15-112 (Order 184), § 246-243-150, filed 7/24/91, effective 8/24/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-243-150, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080. 83-19-050 (Order 2026), § 402-36-120, filed 9/16/83. Statutory Authority: RCW 70.98.050. 81-01-011 (Order 1570), § 402-36-120, filed 12/8/80; Order 1084, § 402-36-120, filed 1/14/76; Order 1, § 402-36-120, filed 1/8/69; Rules (part), filed 10/26/66.]

Chapter 246-244 WAC

RADIATION PROTECTION—WIRELINE SERVICES

WAC

246-244-020	Definitions.
246-244-030	Agreement with well owner or operator.
246-244-080	Leak testing of sealed sources.
246-244-110	Design, performance, and certification criteria for sealed sources used in downhole operations.
246-244-115	Energy compensation sources and tritium neutron generator target sources.
246-244-160	Personnel monitoring.
246-244-240	Notification of incidents, abandonment, and lost sources.

WAC 246-244-020 Definitions. As used in this chapter, the following definitions apply:

(1) "Casing" means a metal pipe or tube used as a lining for oil or gas wells to prevent collapse of the well-bore.

(2) "Energy compensation source" (ECS) means a small sealed source, with an activity not exceeding 3.7 MBq (100 microcuries), used within a logging tool, or other tool components, to provide a reference standard to maintain the tool's calibration when in use.

(3) "Field station" means a facility where radioactive sources may be stored or used and from which equipment is dispatched to temporary job sites.

(4) "Fresh water aquifer" means a geological formation that is capable of yielding a significant amount of fresh water to a well or spring.

(5) "Injection tool" means a device used for controlled subsurface injection of radioactive tracer material.

(6) "Irretrievable well-logging source" means any sealed source containing licensed material that is pulled off or not connected to the wireline that suspends the source in the well and for which all reasonable effort at recovery has been expended.

(7) "Logging assistant" means an individual who assists the logging supervisor in performing the well-logging operations.

(8) "Logging supervisor" means an individual who provides personal supervision of the use of licensed material at the temporary job site and who is responsible to the licensee for assuring compliance with requirements of the department's regulations and the conditions of the license.

(9) "Logging tool" means a device used subsurface to perform well-logging.

(10) "Mineral logging" means any logging performed for the purpose of mineral (including water) exploration other than oil or gas.

(11) "Personal supervision" means guidance and instruction by the supervisor who is physically present at the job site and watching the performance of the operation in such proximity that contact is maintained and immediate assistance given as required.

(12) "Radioactive marker" means licensed material used for the purpose of depth determination or direction orientation. This term includes radioactive collar markers and radioactive iron nails.

(13) "Sealed source" means any licensed material that is encased in a capsule designed to prevent leakage or escape of the radioactive material.

(14) "Source holder" means the housing or assembly into which a radioactive source is placed for the purpose of facilitating the handling and use of such source in well-logging operations.

(15) "Subsurface tracer study" means, for the purpose of this chapter, the release of unsealed licensed material or a substance labeled with licensed material in a single well or multiple wells for the purpose of tracing the movement or position of the material or substance in the well-bore or adjacent formation(s) (this term does not include the use of licensed material in field flooding studies).

(16) "Surface casing" means a pipe or tube used as a lining in a well to isolate the fresh water zone from the well.

(17) "Temporary job site" means any location to which radioactive materials have been dispatched or taken to perform wireline service operations or subsurface tracer studies.

(18) "Tritium neutron generator target source" means a tritium source used within a neutron generator tube to produce neutrons for use in well-logging applications.

(19) "Uranium sinker bar" means a weight containing depleted uranium used for the purpose of providing additional force to pull a logging tool down toward the bottom of a well.

(20) "Well-bore" means any drilled hole in which wireline service operations and/or subsurface tracer studies are performed.

(21) "Well-logging" means the lowering and raising of measuring devices or tools which contain sources of radiation into well-bores or cavities (salt domes, etc.) for the purpose of obtaining information about the well and/or adjacent formations which may be used in oil, gas, mineral or geological explorations.

(22) "Well-logging operation" means any activity involving licensed material performed in a well, including well-logging, mineral logging, subsurface tracer studies, use of radioactive markers, radioactive iron nails, uranium sinker bars, and radioactive sands, and transportation or storage of same.

(23) "Wireline" means a cable containing one or more electrical conductors which is used to lower and raise logging tools in the well-bore.

(24) "Wireline service operation" means any evaluation or mechanical service which is performed in the well-bore using devices containing radioactive material on a wireline.

[Statutory Authority: RCW 70.98.050. 03-12-062, § 246-244-020, filed 6/2/03, effective 7/3/03. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-244-020, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080. 87-01-031 (Order 2450), § 402-38-030, filed 12/11/86.]

WAC 246-244-030 Agreement with well owner or operator. (1) A licensee may perform well logging with a sealed source only after the licensee has a written agreement with the employing well owner or operator. This written agreement must identify who will meet the following requirements:

(a) If a sealed source becomes lodged in the well, a reasonable effort will be made to recover it.

(b) A person may not attempt to recover a sealed source in a manner which, in the licensee's opinion, could result in its rupture.

(c) The radiation monitoring required in WAC 246-244-210 will be performed.

(d) If the environment, any equipment, or personnel are contaminated with licensed material, they must be decontaminated before release from the site or release for unrestricted use.

(e) If the sealed source is classified as irretrievable after reasonable efforts at recovery have been expended, the following requirements must be implemented within thirty days:

(i) Each irretrievable well-logging source must be immobilized and sealed in place with a cement plug;

(ii) A means to prevent inadvertent intrusion on the source, unless the source is not accessible to any subsequent drilling operations; and

(iii) A permanent identification plaque, constructed of long lasting material such as stainless steel, brass, bronze, or monel, must be mounted at the surface of the well, unless the mounting of the plaque is not practical. The size of the plaque must be at least 17 cm (7 inches) square and 3 mm (1/8-inch) thick. The plaque must contain—

(A) The word "CAUTION";

(B) The radiation symbol (the color requirement in WAC 246-221-120(1) need not be met);

(C) The date the source was abandoned;

(D) The name of the well owner or well operator, as appropriate;

(E) The well name and well identification number(s) or other designation;

(F) An identification of the sealed source(s) by radionuclide and quantity;

(G) The depth of the source and depth to the top of the plug; and

(H) An appropriate warning, such as, "DO NOT REENTER THIS WELL."

(2) The licensee shall retain a copy of the written agreement for three years after the completion of the well-logging operation.

(3) A licensee may apply, under WAC 246-220-050, for department approval, on a case-by-case basis, of proposed procedures to abandon an irretrievable well-logging source in a manner not otherwise authorized in subsection (1)(e) of this section.

(4) A written agreement between the licensee and the well owner or operator is not required if the licensee and the well owner or operator are part of the same corporate structure or otherwise similarly affiliated. However, the licensee shall still otherwise meet the requirements in subsection (1) of this section.

[Statutory Authority: RCW 70.98.050. 03-12-062, § 246-244-030, filed 6/2/03, effective 7/3/03. Statutory Authority: RCW 70.98.050 and 70.98.080. 91-15-112 (Order 184), § 246-244-030, filed 7/24/91, effective 8/24/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-244-030, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080. 87-01-031 (Order 2450), § 402-38-040, filed 12/11/86.]

WAC 246-244-080 Leak testing of sealed sources. (1) Testing and recordkeeping requirements. Each licensee who uses a sealed source shall have the source tested for leakage periodically. The licensee shall keep a record of leak test results in units of becquerels (or microcuries) and retain the record for inspection by the department for three years after the leak test is performed.

(2) Method of testing. The wipe of a sealed source must be performed using a leak test kit or method approved by the department, an agreement state, a licensing state, or the United States Nuclear Regulatory Commission. The wipe sample must be taken from the nearest accessible point to the sealed source where contamination might accumulate. The wipe sample must be analyzed for radioactive contamination. The analysis must be capable of detecting the presence of 185 Bq (0.005 microcurie) of radioactive material on the test sample and must be performed by a person approved by the department, an agreement state, a licensing state, or the United States Nuclear Regulatory Commission to perform the analysis.

(3) Test frequency.

(a) Each sealed source (except an energy compensation source (ECS)) must be tested at intervals not to exceed six months. In the absence of a certificate from a transferor that a test has been made within the six months before the transfer, the sealed source may not be used until tested.

(b) Each ECS that is not exempt from testing in accordance with subsection (5) of this section must be tested at intervals not to exceed three years. In the absence of a certif-

icate from a transferor that a test has been made within the three years before the transfer, the ECS may not be used until tested.

(4) Removal of leaking source from service.

(a) If the test conducted under subsections (1) and (2) of this section reveals the presence of 185 Bq (0.005 microcurie) or more of removable radioactive material, the licensee shall remove the sealed source from service immediately and have it decontaminated, repaired, or disposed by a department, an agreement state, a licensing state, or a United States Nuclear Regulatory Commission licensee that is authorized to perform these functions. The licensee shall check the equipment associated with the leaking source for radioactive contamination and, if contaminated, have it decontaminated or disposed of by a department, an agreement state, a licensing state, or a United States Nuclear Regulatory Commission licensee that is authorized to perform these functions.

(b) The licensee shall submit a report to the department within five days of receiving the test results. The report must describe the equipment involved in the leak, the test results, any contamination that resulted from the leaking source, and the corrective actions taken up to the time the report is made.

(5) Exemptions from testing requirements. The following sealed sources are exempt from the periodic leak test requirements set out in subsections (1) through (4) of this section:

(a) Hydrogen-3 (tritium) sources;

(b) Sources containing licensed material with a half-life of thirty days or less;

(c) Sealed sources containing licensed material in gaseous form;

(d) Sources of beta- or gamma-emitting radioactive material with an activity of 3.7 MBq (100 microcuries) or less; and

(e) Sources of alpha- or neutron-emitting radioactive material with an activity of 0.37 MBq (10 microcuries) or less.

[Statutory Authority: RCW 70.98.050. 03-12-062, § 246-244-080, filed 6/2/03, effective 7/3/03. Statutory Authority: RCW 70.98.050 and 70.98.-080. 91-15-112 (Order 184), § 246-244-080, filed 7/24/91, effective 8/24/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-244-080, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080. 87-01-031 (Order 2450), § 402-38-140, filed 12/11/86.]

WAC 246-244-110 Design, performance, and certification criteria for sealed sources used in downhole operations. (1) Each sealed source, except those containing radioactive material in gaseous form, used in downhole operations shall be certified by the manufacturer, or other testing organization acceptable to the department, to meet the following minimum criteria:

(a) Be of doubly encapsulated construction;

(b) Contain radioactive material whose chemical and physical forms are as insoluble and nondispersible, respectively, as practical; and

(c) Comply with subsection (2), (3), or (4) of this section.

(2) For a sealed source manufactured on or before July 14, 1989, a licensee may use the sealed source for use in well-logging applications if it meets the requirements of USASI N5.10-1968, "Classification of Sealed Radioactive Sources," or the requirements in subsection (3) or (4) of this section.

(3) For a sealed source manufactured after July 14, 1989, a licensee may use the sealed source for use in well-logging applications if it meets the oil-well logging requirements of ANSI/HPS N43.6-1997, "Sealed Radioactive Sources—Classification."

(4) For a sealed source manufactured after July 14, 1989, a licensee may use the sealed source for use in well-logging applications, if—

The sealed source's prototype has been tested and found to maintain its integrity after each of the following tests:

(a) Temperature. The test source must be held at -40°C for twenty minutes, 600°C for one hour, and then be subject to a thermal shock test with a temperature drop from 600°C to 20°C within fifteen seconds.

(b) Impact test. A 5 kg steel hammer, 2.5 cm in diameter, must be dropped from a height of 1 m onto the test source.

(c) Vibration test. The test source must be subject to a vibration from 25 Hz to 500 Hz at 5 g amplitude for thirty minutes.

(d) Puncture test. A 1 gram hammer and pin, 0.3 cm pin diameter, must be dropped from a height of 1 m onto the test source.

(e) Pressure test. The test source must be subject to an external pressure of 1.695E7 pascals (24,600 pounds per square inch absolute).

(5) Except those containing radioactive material in gaseous form, in the absence of a certificate from a transferor certifying that an individual sealed source meets the requirements of subsection (1) of this section, the sealed source shall not be put into use until these determinations and testings have been performed and acceptable documented results obtained.

(6) Certification documents shall be maintained for inspection by the department for a period of three years after source disposal. If a source is abandoned downhole, the certification documents shall be maintained until the department authorizes disposition.

(7) The requirements in this section do not apply to energy compensation sources (ECS). ECSs must be registered with the commission under Section 10 CFR 32.210 or with an agreement state.

[Statutory Authority: RCW 70.98.050. 03-12-062, § 246-244-110, filed 6/2/03, effective 7/3/03. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-244-110, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080. 87-01-031 (Order 2450), § 402-38-200, filed 12/11/86.]

WAC 246-244-115 Energy compensation sources and tritium neutron generator target sources. (1) The licensee may use an energy compensation source (ECS) which is contained within a logging tool, or other tool components, only if the ECS contains quantities of licensed material not exceeding 3.7 MBq (100 microcuries).

(a) For well-logging applications with a surface casing for protecting fresh water aquifers, use of the ECS is only subject to the requirements of WAC 246-244-080, 246-244-090 and 246-244-100.

(b) For well-logging applications without a surface casing for protecting fresh water aquifers, use of the ECS is only subject to the requirements of WAC 246-244-030, 246-244-080, 246-244-090, 246-244-100 and 246-244-240.

(2) Use of a tritium neutron generator target source, containing quantities not exceeding 1,110 MBq (30 curies) and in a well with a surface casing to protect fresh water aquifers, is subject to the requirements of this chapter except WAC 246-244-030, 246-244-110, and 246-244-240.

(3) Use of a tritium neutron generator target source, containing quantities exceeding 1,110 MBq (30 curies) or in a well without a surface casing to protect fresh water aquifers, is subject to the requirements of this chapter except WAC 246-244-110.

[Statutory Authority: RCW 70.98.050. 03-12-062, § 246-244-115, filed 6/2/03, effective 7/3/03.]

WAC 246-244-160 Personnel monitoring. (1) The licensee may not permit an individual to act as a logging supervisor or logging assistant unless that person wears, at all times during the handling of licensed radioactive materials, a personnel dosimeter that is processed by an accredited National Voluntary Laboratory Accreditation Program (NVLAP) processor. Each personnel dosimeter must be assigned to and worn by only one individual. The film badge must be exchanged and analyzed at least monthly and other personnel dosimeters exchanged and analyzed at least every three months. The licensee shall have each personnel dosimeter processed in a timely fashion.

(2) The licensee shall provide appropriate bioassay services to individuals using licensed materials for subsurface tracer studies.

(3) The licensee shall keep reports received from the accredited NVLAP personnel dosimeter processor and from the bioassay service laboratory for inspection until the department authorizes disposition or terminates the license.

(4) Personnel monitoring devices and equipment shall monitor for beta, gamma, and neutron radiation as appropriate.

(5) Each licensee shall adhere to the requirements of the department's Regulatory Guide 8.20 *Bioassay Program Criteria for I-125 and I-131.*

[Statutory Authority: RCW 70.98.050. 03-12-062, § 246-244-160, filed 6/2/03, effective 7/3/03. Statutory Authority: RCW 70.98.050 and 70.98.080. 91-15-112 (Order 184), § 246-244-160, filed 7/24/91, effective 8/24/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-244-160, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080. 87-01-031 (Order 2450), § 402-38-300, filed 12/11/86.]

WAC 246-244-240 Notification of incidents, abandonment, and lost sources. (1) Notification of incidents and sources lost in other than downhole logging operations shall be made in accordance with appropriate provisions of chapter 246-221 WAC.

(2) The licensee shall immediately notify the state of Washington division of radiation protection by telephone (206-682-5327) and subsequently within five days by confirmatory letter if:

(a) Licensed material has been lost in or near a fresh water aquifer; or

(b) A sealed source has been ruptured. This notice must designate the well or other location and describe the magnitude and extent of licensed materials, assess the consequences of the loss or rupture, and explain efforts planned or being taken to mitigate these consequences.

(3) Whenever a sealed source or device containing radioactive material is lodged downhole, the licensee shall:

(a) Monitor the surface for the presence of radioactive contamination with an appropriate radiation survey instrument (not the logging tool itself) during logging tool recovery operations; and

(b) Notify the department immediately by telephone (206-682-5327) if radioactive contamination is detected at the surface or if the source appears to be damaged.

(4) When it becomes apparent that efforts to recover the radioactive source will not be successful, the licensee shall:

(a) Notify the department by telephone (206-682-5327) of the circumstances that resulted in the inability to retrieve the source and—

(i) Obtain department approval to implement abandonment procedures; or

(ii) That the licensee implemented abandonment before receiving department approval because the licensee believed there was an immediate threat to public health and safety; and

(b) Advise the well operator or owner, as appropriate, of the regulations of the state of Washington regarding abandonment, and an appropriate method of abandonment. The licensee shall ensure that such abandonment procedures are implemented within thirty days after the sealed source has been classified as irretrievable or request an extension of time if unable to complete the abandonment procedures; and

(c) File a written report with the department within thirty days of the abandonment, including a copy to each appropriate state or federal agency that issued permits or otherwise approved of the drilling operation, setting forth the following information:

(i) Date and time of occurrence and a brief description of attempts to recover the source;

(ii) A description of the radioactive source(s) involved, including radionuclide, quantity, make, model and serial number, and chemical and physical form;

(iii) Surface location and identification of well;

(iv) Results of efforts to immobilize and seal the source in place;

(v) Depth of the radioactive source in meters or feet;

(vi) Depth to the top of cement plug in meters or feet;

(vii) Depth of the well in meters or feet;

(viii) The immediate threat to public health and safety justification for implementing abandonment if prior departmental approval was not obtained in accordance with subsection (4)(a)(ii) of this section;

(ix) Any other information, such as a warning statement, contained on the permanent identification plaque; and

(x) State and federal agencies receiving a copy of this report.

[Statutory Authority: RCW 70.98.050. 03-12-062, § 246-244-240, filed 6/2/03, effective 7/3/03; 98-13-037, § 246-244-240, filed 6/8/98, effective 7/9/98. Statutory Authority: RCW 70.98.050 and 70.98.080. 91-15-112 (Order 184), § 246-244-240, filed 7/24/91, effective 8/24/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-244-240, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.98.080. 87-01-031 (Order 2450), § 402-38-500, filed 12/11/86.]

Chapter 246-254 WAC
RADIATION PROTECTION—FEES

WAC

246-254-053 Radiation machine facility registration fees.
246-254-070 Fees for specialized radioactive material licenses.
246-254-080 Fees for medical and veterinary radioactive material licenses.
246-254-090 Fees for industrial radioactive material licenses.
246-254-100 Fees for laboratory radioactive material licenses.

WAC 246-254-053 Radiation machine facility registration fees. (1) Radiation machine facility fees apply to each person or facility owning, leasing and using radiation-producing machines.

FEE TYPE	FEE
(a) Annual Base Registration Fee	$49
(b) Late registration or re-registration	$49
(c) Tube Fees	See Table 1

TABLE 1
Radiation Tube Fees

Group	First Tube	Each Additional Tube
(i) **Group A:** Dental, Podiatric, Veterinary uses	$50	$25.50
(ii) **Group B:** Hospital, Medical, Chiropractic uses	$138	$72
(iii) **Group C:** Industrial, research, and other uses	$77	$25.50
(iv) **Group D:** Electron Microscopes, Mammographic X-ray Machines	NA	NA

(2) **X-ray shielding fees.**

(a) Facilities regulated under the shielding plan requirements of WAC 246-225-030 or 246-227-150 are subject to a $92 X-ray shielding review fee for each X-ray room plan submitted.

(b) If a facility regulated under WAC 246-225-030 or 246-227-150 operates without submittal of X-ray shielding calculations and a floor plan it will be subject to a shielding design follow-up fee of $49.

(3) **Radiation safety fee.** If a facility or group of facilities under one administrative control employs two or more full-time individuals whose positions are entirely devoted to in-house radiation safety, the facility shall pay a flat, annual fee of $3,200.

(4) **Consolidation of registration.** Facilities may consolidate X-ray machine registrations into a single registration after notifying the department in writing and documenting that a single business license applies.

(5) **Inspection fees.**

(a) The cost of routine, periodic inspections, including the initial inspection, are covered under the base fee and tube registration fees as described in subsection (1) of this section.

(b) Facilities requiring follow-up inspections due to uncorrected noncompliances must pay an inspection follow-up fee of $90.

[Statutory Authority: RCW 43.70.250 and 43.70.110. 03-13-122, § 246-254-053, filed 6/18/03, effective 7/19/03. Statutory Authority: RCW 43.70.250 and 2001 2nd sp.s. c 7 § 220. 02-07-085, § 246-254-053, filed 3/19/02, effective 4/19/02. Statutory Authority: RCW 43.70.110. 01-14-048, § 246-254-053, filed 6/29/01, effective 7/30/01; 99-13-085, § 246-254-053, filed 6/14/99, effective 7/15/99; 98-11-066, § 246-254-053, filed 5/19/98, effective 7/1/98. Statutory Authority: RCW 43.70.110, 43.70.250 and chapter 70.98 RCW. 98-01-047, § 246-254-053, filed 12/8/97, effective 1/8/98; 96-11-043, § 246-254-053, filed 5/8/96, effective 6/28/96; 95-12-004, § 246-254-053, filed 5/25/95, effective 6/25/95; 94-11-010, § 246-254-053, filed 5/5/94, effective 6/5/94; 93-13-019 (Order 372), § 246-254-053, filed 6/8/93, effective 7/9/93. Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-053, filed 10/29/91, effective 11/29/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-254-053, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20B.110. 89-16-064 (Order 2839), § 440-44-050, filed 7/31/89, effective 8/31/89. Statutory Authority: RCW 43.20A.055. 86-08-054 (Order 2359), § 440-44-050, filed 3/28/86. Statutory Authority: Chapter 70.98 RCW and 1985 c 383. 85-20-021 (Order 2283), § 440-44-050, filed 9/23/85. Statutory Authority: RCW 43.20A.055. 85-13-007 (Order 2238), § 440-44-050, filed 6/7/85; 83-12-058 (Order 1965), § 440-44-050, filed 6/1/83. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-050, filed 6/4/82.]

WAC 246-254-070 Fees for specialized radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following special categories shall forward annual fees to the department as follows:

(a) Five thousand five hundred fifty-five dollars for operation of a single nuclear pharmacy.

(b) Nine thousand four hundred seventy-five dollars for operation of a single nuclear laundry.

(c) Nine thousand four hundred seventy-five dollars for a license authorizing a single facility to use more than one curie of unsealed radioactive material in the manufacture and distribution of radioactive products or devices containing radioactive material.

(d) Three thousand three hundred twenty-five dollars for a license authorizing a single facility to use less than or equal to one curie of unsealed radioactive material or any quantity of previously sealed sources in the manufacture and distribution of products or devices containing radioactive material.

(e) Eight hundred sixty dollars for a license authorizing the receipt and redistribution from a single facility of manufactured products or devices containing radioactive material.

(f) Six thousand three hundred fifty-five dollars for a license authorizing decontamination services operating from a single facility.

(g) Three thousand ten dollars for a license authorizing waste brokerage including the possession, temporary storage at a single facility, and over-packing only of radioactive waste.

(h) One thousand three hundred forty dollars for a license authorizing equipment servicing involving:

(i) Incidental use of calibration sources;

(ii) Maintenance of equipment containing radioactive material; or

(iii) Possession of sealed sources for purpose of sales demonstration only.

(i) Two thousand five hundred five dollars for a license authorizing health physics services, leak testing, or calibration services.

(j) One thousand five hundred seventy dollars for a civil defense license.

(k) Four hundred seventy-five dollars for a license authorizing possession of special nuclear material as pacemakers or depleted uranium as shielding.

(2) Persons licensed or authorized to possess and use radioactive material in the following broad scope categories shall forward annual fees to the department as follows:

(a) Eighteen thousand eight hundred five dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than one curie.

(b) Eight thousand six hundred ninety dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than 0.1 curie but less than or equal to one curie.

(c) Six thousand nine hundred eighty-five dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession less than or equal to 0.1 curie.

(3) Persons licensed or authorized to possess or use radioactive material which are not covered by any of the annual license fees described in WAC 246-254-070 through 246-254-100, shall pay fees as follows:

(a) An initial application fee of one thousand dollars;

(b) Billing at the rate of one hundred dollars for each hour of direct staff time associated with issuing and maintaining the license and for the inspection of the license; and

(c) Any fees for additional services as described in WAC 246-254-120.

(d) The initial application fee will be considered a credit against billings for direct staff charges but is otherwise nonrefundable.

(4) Persons licensed or authorized to possess or use radioactive material in a facility for radioactive waste processing, including resource recovery, volume reduction, decontamination activities, or other waste treatment, but not permitting commercial on-site disposal, shall pay fees as follows:

(a) A nonrefundable initial application fee for a new license of sixteen thousand dollars which shall be credited to the applicant's quarterly billing described in (b) of this subsection; and

(b) Quarterly billings for actual direct and indirect costs incurred by the department including, but not limited to, license renewal, license amendments, compliance inspections, a resident inspector for time spent on the licensee's premises as deemed necessary by the department, laboratory and other support services, and travel costs associated with staff involved in the foregoing.

[Statutory Authority: RCW 70.98.080, 43.70.250 and [43.70.]110. 03-14-034, § 246-254-070, filed 6/23/03, effective 7/24/03. Statutory Authority: RCW 43.70.250, 43.270.040, and 2001 2nd sp.s. c 7 § 220. 02-04-025, § 246-254-070, filed 1/24/02, effective 2/24/02. Statutory Authority: RCW 70.98.080. 01-14-046, § 246-254-070, filed 6/29/01, effective 7/30/01. Statutory Authority: RCW 43.70.250. 00-02-016, § 246-254-070, filed 12/27/99, effective 1/27/00; 99-12-022, § 246-254-070, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 43.70.110. 98-11-067, § 246-254-070, filed 5/19/98, effective 6/19/98. Statutory Authority: RCW 43.70.110, [43.70.]250 and chapter 70.98 RCW. 96-11-043, § 246-254-070, filed 5/8/96, effective 6/28/96; 95-12-004, § 246-254-070, filed 5/25/95, effective 6/25/95; 94-11-011 § 246-254-070, filed 5/5/94, effective 6/5/94; 93-13-019 (Order 372), § 246-254-070, filed 6/8/93, effective 7/9/93. Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-070, filed 10/29/91, effective 11/29/91.]

WAC 246-254-080 Fees for medical and veterinary radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following medical or veterinary categories shall forward annual fees to the department as follows:

(a) Four thousand six hundred ninety-five dollars for operation of a mobile nuclear medicine program from a single base of operation.

(b) Three thousand four hundred twenty-five dollars for a license authorizing groups II and III of WAC 246-235-120 for diagnostic nuclear medicine at a single facility.

(c) Two thousand nine hundred sixty-five dollars for a license authorizing groups IV and V of WAC 246-235-120 for medical therapy at a single facility.

(d) Four thousand seven hundred twenty-five dollars for a license authorizing groups II or III and groups IV or V of WAC 246-235-120 for full diagnostic and therapy services at a single facility.

(e) Two thousand five hundred forty dollars for a license authorizing group VI of WAC 246-235-120 for brachytherapy at a single facility.

(f) One thousand five hundred seventy dollars for a license authorizing brachytherapy or gamma stereotactic therapy or teletherapy at a single facility.

(g) Two thousand three hundred ninety dollars for a license authorizing medical or veterinary possession of greater than two hundred millicuries total possession of radioactive material at a single facility.

(h) One thousand nine hundred dollars for a license authorizing medical or veterinary possession of greater than thirty millicuries but less than or equal to two hundred millicuries total possession of radioactive material at a single facility.

(i) One thousand three hundred ninety-five dollars for a license authorizing medical or veterinary possession of less than or equal to thirty millicuries total possession of radioactive material at a single facility.

(j) One thousand two hundred twenty-five dollars for a license authorizing group I as defined in WAC 246-235-120 or in vitro uses of radioactive material at a single facility.

(k) Seven hundred sixty-five dollars for a license authorizing medical or veterinary possession of a sealed source for diagnostic use at a single facility.

(2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location or base of operation.

[Statutory Authority: RCW 70.98.080, 43.70.250 and [43.70.]110. 03-14-034, § 246-254-080, filed 6/23/03, effective 7/24/03. Statutory Authority: RCW 43.70.250, 43.270.040, and 2001 2nd sp.s. c 7 § 220. 02-04-025, § 246-254-080, filed 1/24/02, effective 2/24/02. Statutory Authority: RCW 70.98.080. 01-14-046, § 246-254-080, filed 6/29/01, effective 7/30/01. Statutory Authority: RCW 43.70.250. 00-02-016, § 246-254-080, filed 12/27/99, effective 1/27/00; 99-12-022, § 246-254-080, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 43.70.110. 98-11-067, § 246-254-080, filed 5/19/98, effective 6/19/98. Statutory Authority: RCW 43.70.110, [43.70.]250 and chapter 70.98 RCW. 96-11-043, § 246-254-080, filed 5/8/96, effective 6/28/96; 95-12-004, § 246-254-080, filed 5/25/95, effective 6/25/95; 94-11-011 § 246-254-080, filed 5/5/94, effective 6/5/94; 93-13-019 (Order 372), § 246-254-080, filed 6/8/93, effective 7/9/93. Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-080, filed 10/29/91, effective 11/29/91.]

WAC 246-254-090 Fees for industrial radioactive material licenses. (1) Persons licensed or authorized to possess or use radioactive material in the following industrial categories shall forward annual fees to the department as follows:

(a) Five thousand five hundred thirty-five dollars for a license authorizing the use of radiographic exposure devices in one or more permanent radiographic vaults in a single facility.

(b) Seven thousand four hundred fifteen dollars for a license authorizing the use of radiographic exposure devices at temporary job sites but operating from a single storage facility.

(c) Three thousand six hundred thirty-five dollars for a license authorizing well-logging activities including the use of radioactive tracers operating from a single storage facility.

(d) Seven hundred eighty-five dollars for a license authorizing possession of portable sealed sources including moisture/density gauges and excluding radiographic exposure devices operating from a single storage facility.

(e) Eight hundred sixty dollars for a license authorizing possession of any nonportable sealed source, including special nuclear material and excluding radioactive material used in a gas chromatograph at a single facility.

(f) Five hundred forty dollars for a license authorizing possession of gas chromatograph units containing radioactive material at a single facility.

(g) One thousand four hundred ninety-five dollars for a license authorizing possession of any self-shielded or pool type irradiator with sealed source total quantity greater than one hundred curies at a single facility.

(h) Seven thousand nine hundred thirty dollars for a license authorizing possession of sealed sources for a walk-in type irradiator at a single facility.

(i) Six thousand nine hundred dollars for a license authorizing possession of greater than one gram of unsealed special nuclear material or greater than five hundred kilograms of source material at a single facility.

(j) Two thousand two hundred ten dollars for a license authorizing possession of less than or equal to one gram of unsealed special nuclear material or five hundred kilograms of source material at a single facility.

(k) Three hundred fifty dollars for a license authorizing possession of static elimination devices not covered by a general license.

(2) Persons with licenses authorizing multiple locations of permanent storage shall increase the annual fee by fifty percent for each additional location.

(3) Depleted uranium registrants required to file Form RHF-20 shall forward an annual fee of seventy-two dollars to the department.

[Statutory Authority: RCW 70.98.080, 43.70.250 and [43.70.]110. 03-14-034, § 246-254-090, filed 6/23/03, effective 7/24/03. Statutory Authority: RCW 43.70.250, 43.270.040, and 2001 2nd sp.s. c 7 § 220. 02-04-025, § 246-254-090, filed 1/24/02, effective 2/24/02. Statutory Authority: RCW 70.98.080. 01-14-046, § 246-254-090, filed 6/29/01, effective 7/30/01. Statutory Authority: RCW 43.70.250. 00-02-016, § 246-254-090, filed 12/27/99, effective 1/27/00; 99-12-022, § 246-254-090, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 43.70.110. 98-11-067, § 246-254-090, filed 5/19/98, effective 6/19/98. Statutory Authority: RCW 43.70.110, [43.70.]250 and chapter 70.98 RCW. 96-11-043, § 246-254-090, filed 5/8/96, effective 6/28/96; 95-12-004, § 246-254-090, filed 5/25/95, effective 6/25/95; 94-11-011 § 246-254-090, filed 5/5/94, effective 6/5/94; 93-13-019 (Order 372), § 246-254-090, filed 6/8/93, effective 7/9/93. Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-090, filed 10/29/91, effective 11/29/91.]

WAC 246-254-100 Fees for laboratory radioactive material licenses. (1) Persons licensed or authorized to possess or use unsealed radioactive material in the following laboratory categories shall forward annual fees to the department as follows:

(a) Three thousand seven hundred eighty dollars for a license authorizing possession at a single facility of unsealed sources in amounts greater than:

(i) One millicurie of I-125 or I-131; or

(ii) One hundred millicuries of H-3 or C-14; or

(iii) Ten millicuries of any single isotope.

(b) One thousand eight hundred seventy dollars for a license authorizing possession at a single facility of unsealed sources in amounts:

(i) Greater than 0.1 millicurie and less than or equal to one millicurie of I-125 or I-131; or

(ii) Greater than ten millicuries and less than or equal to one hundred millicuries of H-3 or C-14; or

(iii) Greater than one millicurie and less than or equal to ten millicuries of any single isotope.

(c) One thousand five hundred seventy dollars for a license authorizing possession at a single facility of unsealed sources in amounts:

(i) Greater than 0.01 millicurie and less than or equal to 0.1 millicurie of I-125 or I-131; or

(ii) Greater than one millicurie and less than or equal to ten millicuries of H-3 or C-14; or

(iii) Greater than 0.1 millicurie and less than or equal to one millicurie of any other single isotope.

(d) Five hundred forty dollars for a license authorizing possession at a single facility of unsealed or sealed sources in amounts:

(i) Less than or equal to 0.01 millicurie of I-125 or I-131; or

(ii) Less than or equal to one millicurie of H-3 or C-14; or

(iii) Less than or equal to 0.1 millicurie of any other single isotope.

(e) Seven hundred twenty-five dollars for a license authorizing possession at a single facility of large quantities of naturally occurring radioactive material in total concentration not exceeding 0.002 microcurie per gram.

(2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location.

(3) Persons registered to perform in vitro testing pursuant to Form RHF-15 shall forward an annual fee of seventy-two dollars to the department.

[Statutory Authority: RCW 70.98.080, 43.70.250 and [43.70.]110. 03-14-034, § 246-254-100, filed 6/23/03, effective 7/24/03. Statutory Authority: RCW 43.70.250, 43.270.040, and 2001 2nd sp.s. c 7 § 220. 02-04-025, § 246-254-100, filed 1/24/02, effective 2/24/02. Statutory Authority: RCW 70.98.080. 01-14-046, § 246-254-100, filed 6/29/01, effective 7/30/01. Statutory Authority: RCW 43.70.250. 00-02-016, § 246-254-100, filed 12/27/99, effective 1/27/00; 99-12-022, § 246-254-100, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 43.70.110. 98-11-067, § 246-254-100, filed 5/19/98, effective 6/19/98. Statutory Authority: RCW 43.70.110, [43.70.]250 and chapter 70.98 RCW. 96-11-043, § 246-254-100, filed 5/8/96, effective 6/28/96; 95-12-004, § 246-254-100, filed 5/25/95, effective

6/25/95; 94-11-011 § 246-254-100, filed 5/5/94, effective 6/5/94; 93-13-019 (Order 372), § 246-254-100, filed 6/8/93, effective 7/9/93. Statutory Authority: RCW 43.70.110. 91-22-027 (Order 208), § 246-254-100, filed 10/29/91, effective 11/29/91.]

Chapter 246-260 WAC
WATER RECREATION FACILITIES

WAC
246-260-9901 Fees.

WAC 246-260-9901 Fees. (1) CONSTRUCTION PERMIT FEES. The department establishes the fees listed in Table 990.1 for construction permits for carrying out its duties under WAC 246-260-030.

TABLE 990.1
CONSTRUCTION PERMIT FEES

	TYPE OF FACILITY	CONSTRUCTION PERMIT PLAN REVIEW FEES
I.	Swimming Pools	
	(a) 125,000 gallons or more in volume	$ 568.00
	(b) Greater than 75,000 gallons and less than 125,000 gallons	$ 339.00
	(c) Greater than 40,000 gallons and less than 75,000 gallons	$ 223.00
	(d) Less than 40,000 gallons	$ 170.00
II.	Spa Pools	$ 170.00
III.	Wading Pools	$ 111.00
IV.	Spray Pools	$ 84.00
V.	Alterations, renovations, or modifications to existing swimming, spa, wading or spray pools, not to exceed two-thirds of new construction permit fees, or $68/hour (whichever is less).	
VI.	The fees for multiple pools at the same location will be based upon the highest fee for one facility and two thirds of the fee for each additional facility. For example: The fee for a 100,000 gallon swimming pool, a 60,000 gallon swimming pool, and a spa pool will be: $339 + $149 + $113 = $601. The fees for a small 30,000 gallon swimming pool and a spa pool will be $170 + $113 = $283.	

(2) OPERATING PERMIT FEES The department establishes the fees listed in Table 990.2 for operating permits for carrying out its duties under WAC 246-260-040.

TABLE 990.2

FEE SCHEDULE
OPERATING PERMITS
Type + Number of Facilities

	Single Swim Pool	Single Spa Pool	Single Wading Pool	Spray Pool or Pools	Each Additional Swim, Spa, or Wading Pool
Operating Permit 0-6 month	$ 291.00	$ 255.00	$ 211.00	$ 105.00	$ 63.00
Operating Permit 6-12 months	$ 477.00	$ 424.00	$ 371.00	$ 159.00	$ 84.00

Other Terms and Conditions:

(1) The department may charge an additional fee of $87 plus associated laboratory costs for any inspections beyond those provided under the annual operating permit when necessary due to violations of such items as (a) noncompliance with water quality standards, and (b) failure to comply with operational requirements for health and safety.

(2) The department may charge an alternate annual fee for an operating permit based on direct and indirect costs associated with issuance of the permit when arrangements are made with local health jurisdictions to administer all or portions of the duties associated with the operating permit. Except, that the fee for this operating permit cannot exceed the cost established by the previous portions of this regulation, but the fee may be less.

(3) During the first year of development of the operating permit and for new pool facilities built hereafter, or pools temporarily closed (significant period of several months) and reopened, there are provisions for prorating the costs for the operating permits.

(4) A reduction in fees, up to but not exceeding thirty percent, may be granted by the department when a facility operator can demonstrate a satisfactory level of training in pool safety, water quality, maintenance and operations. The department will develop criteria for such fee reductions within six months of the adoption of this regulation.

(5) For limited use facilities requiring operating permits which are serving less than fifteen living units, the operating permit shall be fifty percent of the fee. However, reinspection fees when necessary, will be charged as noted in condition (1).

(6) Fees for multiple facilities at the same physical location shall have a maximum FEE CAP as follows: Seasonal (0-6 months) WRF's: $774 NOTE: The third and subsequent pool/spa at the same location will be charged $51 for each such additional pool/spa.
Year around (>6 months) WRF's $1032 NOTE: The third and subsequent pool/spa at the same physical location will be charged $67 for each such additional pool/spa.

Examples of Fees Charged:

(1) If more than one pool at a facility and one is a year-round pool and another is a seasonal pool—year-round pool is base cost, seasonal pool is charged at additional fee charge. For example: Year-round spa = $424 plus seasonal swimming pool is $63 = $487 total operating permits.

(2) If a single swimming pool and a single spa pool is used at the facility, the fee schedule will include fees as noted. For a 0-6 month permit, the primary fee for the single swimming would be $291 and the spa pool would be viewed as the second pool at the facility and would have a fee of $63, total operating permit fees would be $354.

(3) If there are 12 pools/spas at a single year-around pool facility, the FEE CAP would apply and the maximum fee

of $1032 would be charged. ($477 base fee, $84 for first additional pool/spa, $67 for the remaining ten year-around pools/spas (10 x $67 = $670)) Total fee before fee cap = $477 + $84 + $670 = $1231. After FEE CAP the total fee = $1032. If approved training were credited to this facility for the maximum 30% discount, the 30% would be applied to the FEE CAP fee of $1032; $1032 - 30% = $723.

[Statutory Authority: RCW 70.90.150 and 43.20B.250. 03-14-146, § 246-260-9901, filed 7/2/03, effective 8/2/03. Statutory Authority: RCW 43.70.250, 70.90.150, and 43.20B.250. 01-14-047, § 246-260-9901, filed 6/29/01, effective 7/30/01. Statutory Authority: RCW 70.90.150 and 43.20B.020. 94-11-056, § 246-260-9901, filed 5/11/94, effective 6/11/94.]

Chapter 246-262 WAC
RECREATIONAL WATER CONTACT FACILITIES

WAC

246-262-990 Fees.

WAC 246-262-990 Fees. (1) The fee for plan review of a new recreational water contact facility containing a single attraction shall be two hundred six dollars plus the safety engineer reviewer's cost as billed.

(2) The fee for plan review of a new recreational water contact facility containing more than one attraction shall be two hundred six dollars plus the cost of the safety engineer reviewer's cost as billed plus seventy-seven dollars for each attraction.

(3) The fee for review of plans for alterations or modifications of an existing recreational water contact facility shall be the total of direct and indirect costs, not to exceed one-half of the fee for review of a new project.

(4) The annual fee for an operating permit for a recreational water contact facility containing one attraction shall be one hundred eighty dollars.

(5) The annual fee for an operating permit for a recreational water contact facility containing more than one attraction shall be one hundred eighty dollars for the first attraction plus fifty-one dollars for each additional attraction up to a maximum fee of three hundred thirty-five dollars.

(6) The department may charge an additional fee of fifty-one dollars plus associated laboratory costs for inspections beyond those provided under the annual operating permit when necessary due to violations of such items as:

(a) Noncompliance with water quality standards; and

(b) Failure to comply with operational requirements for health and safety.

[Statutory Authority: RCW 70.90.150 and 43.20B.250. 03-14-146, § 246-262-990, filed 7/2/03, effective 8/2/03. Statutory Authority: RCW 43.70.040. 91-02-050 (Order 122), § 246-262-990, filed 12/27/90, effective 1/31/91.]

Chapter 246-272B WAC
LARGE ON-SITE SEWAGE SYSTEM REGULATIONS

WAC

246-272B-00101 Purpose, objectives, and authority.
246-272B-00501 Administration.
246-272B-01001 Definitions.
246-272B-03001 Applicability.
246-272B-07001 Connection to public sewer system.
246-272B-08001 Application and approval process.
246-272B-09501 Location.
246-272B-11001 Soil and site evaluation.
246-272B-11501 Design.
246-272B-12501 Holding tank sewage systems.
246-272B-13501 Installation.
246-272B-15501 Operation and maintenance.
246-272B-16501 Repair of failures.
246-272B-17501 Expansions.
246-272B-18501 Abandonment.
246-272B-19501 Septage management.
246-272B-20501 Developments, subdivisions, and minimum land area requirements.
246-272B-21501 Areas of special concern.
246-272B-24001 State advisory committee.
246-272B-25001 Waiver of state regulations.
246-272B-26001 Enforcement.
246-272B-27001 Notice of decision—Adjudicative proceeding.
246-272B-28001 Severability.
246-272B-990 Fees.

WAC 246-272B-00101 Purpose, objectives, and authority. (1) The purpose of this chapter is to protect the public health by minimizing:

(a) The potential for public exposure to sewage from large on-site sewage systems (LOSS); and

(b) Adverse effects to public health that discharges from large on-site sewage systems may have on ground and surface waters.

(2) This chapter regulates the location, design, installation, operation, maintenance, and monitoring of large on-site sewage systems to:

(a) Achieve long-term sewage treatment and effluent disposal; and

(b) Limit the discharge of contaminants to waters of the state.

(3) This chapter is adopted by the state board of health in accordance with the authority granted in RCW 43.20.050 to establish minimum requirements for the department of health.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-00101, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-00501 Administration. The department shall administer this chapter under the authority and requirements of chapter 43.70 RCW. A LOSS contract jurisdiction may administer this chapter under agreement with the department.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-00501, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-01001 Definitions. "Additive" means a commercial product added to an on-site sewage system intended to affect performance or aesthetics of an on-site sewage system.

"Alternative system" means an on-site sewage system other than a conventional gravity system or conventional pressure distribution system. Properly operated and maintained alternative systems provide equivalent or enhanced treatment performance as compared to conventional gravity systems.

"Approved" means a written statement of acceptability, in terms of the requirements in this chapter, issued by the department.

"Approved list" means "list of approved systems and products," developed annually and maintained by the department and containing the following:

(a) List of proprietary devices approved by the department;

(b) List of specific systems meeting treatment standard 1 and treatment standard 2;

(c) List of experimental systems approved by the department;

(d) List of septic tanks, pump chambers, and holding tanks approved by the department.

"Areas of special concern" means an area of definite boundaries delineated through public process, where a local health officer, or the department in consultation with the health officer, determines additional requirements for on-site sewage systems may be necessary to reduce potential failures, or minimize negative impact of on-site systems upon public health.

"Cesspool" means a pit receiving untreated sewage and allowing the liquid to seep into the surrounding soil or rock.

"Conforming system" means any large on-site sewage system, except an experimental system, meeting any of the following criteria:

(a) Systems in full compliance with new construction requirements under this chapter; or

(b) Systems approved, installed and operating in accordance with requirements of previous editions of this chapter; or

(c) Systems or repairs permitted through departmental concurrence by the waiver process which assure public health protection by higher treatment performance or other methods.

"Conventional gravity system" means an on-site sewage system consisting of a septic tank and a subsurface soil absorption system with gravity distribution of the effluent.

"Conventional pressure distribution system" means an on-site sewage system consisting of a septic tank and a subsurface soil absorption system with pressure distribution of the effluent. Design, operation and maintenance, and performance monitoring are described by "*Guidelines for Pressure Distribution Systems*" by the Washington state department of health.

"Covenant" means a recorded agreement stating certain activities and/or practices are required or prohibited.

"Cuts and/or banks" means any naturally occurring or artificially formed slope greater than one hundred percent (forty-five degrees) and extending vertically at least five feet from the toe of the slope to the top of the slope as follows:

Place illustration here.

"Designer" means a person who matches site and soil characteristics with appropriate on-site sewage technology.

"Development" means the creation of a residence, structure, facility, mobile home park, subdivision, planned unit development, site, area, or any activity resulting in the production of sewage.

"Department" means the Washington state department of health.

"Disposal component" means a subsurface absorption system (SSAS) or other soil absorption system receiving septic tank or other pretreatment device effluent and transmitting it into original, undisturbed soil.

"Effluent" means liquid discharged from a septic tank or other large on-site sewage system component.

"Engineer" means a person who is licensed and in good standing under chapter 18.43 RCW.

"Expansion" means a change in a residence, facility, site, or use that:

(a) Causes an on-site sewage system to exceed its existing treatment or disposal capability, for example, when a residence is increased from two to three bedrooms or a change in use from an office to a restaurant; or

(b) Reduces the treatment or disposal capability of the existing on-site sewage system or the reserve area, for example, when a building is placed over a reserve area.

"Experimental system" means any alternative system:

(a) Without design guidelines developed by the department; or

(b) A proprietary device or method which has not yet been evaluated and approved by the department.

"Failure" means a condition of a large on-site sewage system that threatens the public health by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public.

Examples of failure include:

(a) Sewage on the surface of the ground;

(b) Sewage backing up into a structure caused by slow soil absorption of septic tank effluent;

(c) Sewage leaking from a septic tank, pump chamber, holding tank, or collection system;

(d) Cesspools or seepage pits where evidence of ground water or surface water quality degradation exists;

(e) Inadequately treated effluent contaminating ground water or surface water; or

(f) Noncompliance with standards stipulated on the permit.

"Ground water" means a subsurface water occupying the zone of saturated soil, permanently, seasonally, or as the result of the tides. Indications of ground water may include:

(a) Water seeping into or standing in an open excavation from the soil surrounding the excavation.

(b) Spots or blotches of different color or shades of color interspersed with a dominant color in soil, commonly referred to as mottling. Mottling is a historic indication for the presence of ground water caused by intermittent periods of saturation and drying, and may be indicative of poor aeration and impeded drainage. Also see "water table."

"Holding tank sewage system" means a large on-site sewage system which incorporates a holding tank, the services of a sewage pumper/hauler, and the off-site treatment and disposal for the sewage generated.

"Industrial wastewater" means the water or liquid-carried waste from an industrial process. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feedlots, poultry houses, or dairies. The term includes contaminated storm water and leachate from solid waste facilities.

"Installer" means a qualified person approved by a local health officer to install or repair on-site sewage systems or components.

"Large on-site sewage system (LOSS)" means an integrated arrangement of components for a residence, building, industrial establishment or other places not connected to a public sewer system which:

(a) Conveys, stores, treats, and/or provides subsurface soil treatment and disposal on the property where it originates, or on adjacent or nearby property; and

(b) Includes piping, treatment devices, other accessories, and soil underlying the disposal component of the initial and reserve areas; and

(c) Has design flows, at any common point, greater than three thousand five hundred gallons per day.

"LOSS contract jurisdiction" means a local health jurisdiction that by contract with the department has delineated responsibilities and authority for LOSS within their jurisdiction. For these jurisdictions the term "department" shall be applied to them throughout this chapter, except as otherwise noted.

"Local health officer" means the health officer of the city, county, or city-county health department or district within the state of Washington, or a representative authorized by and under the direct supervision of the local health officer, as defined in chapter 70.05 RCW.

"May" means discretionary, permissive, or allowed.

"Ordinary high-water mark" means the mark on lakes, streams, and tidal waters, found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland with respect to vegetation, as that condition exists on the effective date of this chapter, or as it may naturally change thereafter. The following definitions apply where the ordinary high-water mark cannot be found:

(a) The ordinary high-water mark adjoining marine water is the elevation at mean higher high tide; and

(b) The ordinary high-water mark adjoining freshwater is the line of mean high water.

"Person" means any individual, corporation, company, association, society, firm, partnership, joint stock company, or any governmental agency, or the authorized agents of any such entities.

"Planned unit development" means a development characterized by a unified site design, clustered residential units and/or commercial units, and areas of common open space.

"Pressure distribution" means a system of small diameter pipes equally distributing effluent throughout a trench or bed, as described in the "*Guidelines for Pressure Distribution Systems*" by the department. Also see "conventional pressure distribution."

"Proprietary device or method" means a device or method classified as an alternative system, or a component thereof, held under a patent, trademark or copyright.

"Public sewer system" means a sewerage system:

(a) Owned or operated by a city, town, municipal corporation, county, or other approved ownership consisting of a collection system and necessary trunks, pumping facilities and a means of final treatment and disposal; and

(b) Approved by or under permit from the department of ecology, the department of health and/or a local health officer.

"Pumper" means a person approved by the local health officer to remove and transport wastewater or septage from large on-site sewage systems.

"Repair" means restoration, by reconstruction or relocation, or replacement of a failed large on-site sewage system.

"Reserve area" means an area of land approved for the installation of a conforming system and dedicated for replacement of the LOSS upon its failure.

"Residential sewage" means sewage having the constituency and strength typical of wastewater from domestic households.

"Restrictive layer" means a stratum impeding the vertical movement of water, air, and growth of plant roots, such as hardpan, claypan, fragipan, caliche, some compacted soils, bedrock and unstructured clay soils.

"Seepage pit" means an excavation more than three feet deep where the sidewall of the excavation is designed to dispose of septic tank effluent. Seepage pits may also be called "dry wells."

"Septage" means the mixture of solid wastes, scum, sludge, and liquids pumped from within septic tanks, pump chambers, holding tanks, and other LOSS components.

"Septic tank" means a watertight pretreatment receptacle receiving the discharge of sewage from a building sewer or sewers, designed and constructed to permit separation of settleable and floating solids from the liquid, detention and anaerobic digestion of the organic matter, prior to discharge of the liquid.

"Sewage" means any urine, feces, and the water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places. For the purposes of these regulations, "sew-

age" is generally synonymous with domestic wastewater. Also see "residential sewage."

"Shall" means mandatory.

"Soil log" means a detailed description of soil characteristics providing information on the soil's capacity to act as an acceptable treatment and disposal medium for sewage.

"Soil type" means a numerical classification of fine earth particles and coarse fragments as described in WAC 246-272B-11001 (2)(e).

"Subdivision" means a division of land or creation of lots or parcels, described under chapter 58.17 RCW, now or as hereafter amended, including both long and short subdivisions, planned unit developments, and mobile home parks.

"SSAS" or **"subsurface soil absorption system"** means a system of trenches three feet or less in width, or beds between three and ten feet in width, containing distribution pipe within a layer of clean gravel designed and installed in original, undisturbed soil for the purpose of receiving effluent and transmitting it into the soil.

"Surface water" means any body of water, whether fresh or marine, flowing or contained in natural or artificial unlined depressions for significant periods of the year, including natural and artificial lakes, ponds, springs, rivers, streams, swamps, marshes, and tidal waters.

"Treatment standard 1" means a thirty-day average of less than 10 milligrams per liter of biochemical oxygen demand (five-day BOD_5), 10 milligrams per liter of total suspended solids (TSS), and a thirty-day geometric mean of less than 200 fecal coliform per 100 milliliters.

"Treatment standard 2" means a thirty-day average of less than 10 milligrams per liter of biochemical oxygen demand (five-day BOD_5), 10 milligrams per liter of total suspended solids (TSS), and a thirty-day geometric mean of less than 800 fecal coliform per 100 milliliters.

"Unit volume of sewage" means:

(a) A single family residence;

(b) A mobile home site in a mobile home park; or

(c) Four hundred fifty gallons of sewage per day where the proposed development is not single family residences or a mobile home park.

"Vertical separation" means the depth of unsaturated, original, undisturbed soil of soil types 1B-6 between the bottom of a disposal component and the highest seasonal water table, a restrictive layer, or soil type 1A, as illustrated below by the profile drawing of a subsurface soil absorption system:

Place illustration here.

"Water table" means the upper surface of the ground water, whether permanent or seasonal. Also see "ground water."

"Wave barrier" means a bulkhead of adequate height and construction protecting the immediate area of on-site sewage system components from wave action.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-01001, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-03001 Applicability. (1) The department:

(a) Shall apply this chapter to LOSS treating wastewater and disposing of effluent from residential sewage sources;

(b) May apply this chapter to LOSS for sources other than residential sewage, excluding industrial wastewater, if pretreatment, siting, design, installation, and operation and maintenance measures provide treatment and effluent disposal equal to that required of residential sewage.

(2) Preliminary plats specifying general methods of sewage treatment, disposal, system designs and locations approved prior to the effective date of these regulations shall be acted upon in accordance with regulations in force at the time of preliminary plat approval for a maximum period of five years from the date of approval or for an additional year beyond the effective date of these regulations, whichever assures the most lenient expiration date.

(3) A valid sewage system design approval, or installation permit issued prior to January 15, 1995:

(a) Shall be acted upon in accordance with regulations in force at the time of issuance;

(b) Shall have a maximum validity period of two years from the date of issuance or remain valid for an additional

year beyond January 15, 1995, whichever assures the most lenient expiration date; and

(c) May be modified to include additional requirements if the health officer determines that a serious threat to public health exists.

(4) The Washington state department of ecology has authority and approval over:

(a) Domestic or industrial wastewater under chapter 173-240 WAC; and

(b) Sewage systems using mechanical treatment, or lagoons, with ultimate design flows above three thousand five hundred gallons per day.

(5) The Washington state department of health has authority and approval over:

(a) Systems with design flows through any common point between three thousand five hundred to fourteen thousand five hundred gallons per day; and

(b) Any large on-site sewage system "LOSS" for which jurisdiction has been transferred to the department of health under conditions of memorandum of agreement with the department of ecology.

(6) The local health officer has authority and approval over:

(a) Systems with design flows through any common point up to three thousand five hundred gallons per day;

(b) Any large on-site sewage system "LOSS" for which jurisdiction has been transferred to a local health jurisdiction from the department by contract.

(7) Where this chapter conflicts with chapter 90.48 RCW, Water pollution control, the requirements under those statutes apply.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-03001, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-07001 Connection to public sewer system. (1) When adequate public sewer services are available within two hundred feet of the residence or facility, the local health officer upon the failure of an existing large on-site sewage system may:

(a) Require hook-up to a public sewer system; or

(b) Permit the repair or replacement of the LOSS only if a conforming system can be designed and installed.

(2) Except as noted in subsection (1) of this section, the owner of a failure shall abandon the LOSS under WAC 246-272B-18501 and connect the residence or other facility to a public sewer system when:

(a) The distance between the residence or other facility and an adequate public sewer is two hundred feet or less as measured along the usual or most feasible route of access; and

(b) The sewer utility allows the sewer connection.

(3) Local boards of health may require a new development to connect to a public sewer system to protect public health.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-07001, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-08001 Application and approval process. (1) Persons proposing a new LOSS for which the department has jurisdiction by WAC or memorandum of agreement with the department of ecology shall meet the requirements specified in "*Design Standards for Large On-site Sewage Systems*," 1993, Washington state department of health (available upon written request to the department).

(2) Persons shall submit the documents and fees specified under (a) through (f) of this subsection and obtain approval from the department before installing a LOSS to serve any facility:

(a) A preliminary report, stamped and signed by an engineer, including:

(i) A discussion of the proposed project, including the schedule of construction;

(ii) A discussion of compliance with other state and local zoning, platting, health, and building regulations as they relate to sewage treatment and disposal;

(iii) An analysis of the site's capacity to treat and dispose of the proposed quantity and quality of sewage;

(iv) An analysis of the factors identified in WAC 246-272B-20501 (2)(d)(ii)(A); and

(v) A soil and site evaluation as specified in WAC 246-272B-11001 signed by the evaluator;

(vi) A management plan describing the:

(A) Management entity consisting of one of the following:

(I) For residential subdivisions where the lots are individually owned, a public entity serves as the primary management entity, or as the third party trust for a private management entity; or

(II) For other uses, including single ownership, a public entity or a private entity via an appropriate contract or agreement provides management;

(B) Duties of the management entity, including specific tasks and frequency of operation and maintenance;

(C) Controls to ensure the continuity and permanency of proper operation and maintenance;

(D) Methods and frequency of monitoring, recordkeeping, and reporting to the department;

(E) Rights and responsibilities of management; and

(F) Rights and responsibilities of persons purchasing connections to the LOSS.

(b) Complete plans and specifications of the LOSS:

(i) Showing a conventional pressure distribution system with three feet of vertical separation;

(ii) Meeting all other design criteria within "*Design Standards for Large On-site Sewage Systems*," 1993, Washington state department of health (available upon written request to the department); and

(iii) Stamped and signed by an engineer;

(c) A schedule of inspections to confirm the installation conforms to the plans and specifications;

(d) A draft operation and maintenance manual, describing the LOSS and outlining routine maintenance procedures for proper operation of the system;

(e) Required fees; and

(f) Other information as required by the department.

(3) Persons desiring to repair, modify or expand a facility served, or to be served by a LOSS shall submit all documents and fees specified under subsection (2)(a) through (f) of this section, unless the department waives submission of some elements as unnecessary, and obtain approval from the department.

(4) The department:

(a) Shall not change the terms of a project's construction approval during a two-year validity period. However, additional terms to protect public health may be included before granting one-year approval permit extensions;

(b) Shall not permit an experimental LOSS;

(c) Shall only permit installation of alternative systems for which there are alternative system guidelines;

(d) Shall conduct a presite inspection; and

(e) May allow the applicant to renew approval under the initial terms for successive one-year periods if:

(i) The LOSS is incomplete two years after the department's approval;

(ii) The applicant requests renewal in writing; and

(iii) The applicant submits required fees.

(5) A qualified installer shall install the LOSS.

(6) The applicant or applicant's agent:

(a) Shall comply with all conditions set forth in the department's construction approval;

(b) May request extensions to the construction approval permit; and

(c) Shall comply with any additional conditions upon construction approval extensions set forth by the department, and pay required fees for renewing the approval.

(7) Before a new LOSS is used:

(a) An engineer shall stamp, sign, and submit a LOSS construction report to the department within sixty days following the completion of construction of the LOSS including:

(i) A completed form stating the LOSS was constructed in accordance with the department's approved plans and specifications; and

(ii) An "as built" or "record" drawing;

(b) The department shall conduct a final inspection; and

(c) The owner shall:

(i) Submit an operation and maintenance manual developed by an engineer for the installed LOSS to the department for review and approval; and

(ii) Obtain a LOSS operating permit from the department by:

(A) Completing and submitting forms to the department; and

(B) Paying required fees.

(8) The owner of a LOSS that has been approved by the department or local health officer or constructed after July 1, 1984, shall:

(a) Obtain a LOSS operating permit from the department; and

(b) Annually renew it.

(9) The owner shall annually renew the LOSS operating permit by:

(a) Continued retention of an approved management entity to operate and maintain the LOSS;

(b) Submitting a report to the department demonstrating the LOSS is operated, maintained, and monitored in accordance with this chapter and the approved operation and maintenance manual; and

(c) Submitting required fees.

(10) The department:

(a) Shall issue a LOSS operating permit to owners of LOSS meeting the requirements of subsections (1) through (7) of this section;

(b) Shall annually renew the LOSS operating permit when the owner has complied with the requirements under subsection (9) of this section;

(c) May revoke the LOSS operating permit when the:

(i) Approved management entity ceases to operate and maintain the LOSS;

(ii) Owner does not meet other conditions of the LOSS operating permit; or

(iii) LOSS fails;

(d) Shall monitor the performance of LOSS; and

(e) Shall apply the requirements under WAC 246-272B-16501 to failing LOSS.

(11) A local health officer and the department may enter into a contract under which:

(a) The local health officer will assume the department's responsibilities in subsections (2), (4), (6), (7)(a), (b) and (c)(i) of this section to regulate LOSS; and

(b) The local health officer may charge fees to a LOSS applicant or owner for services provided if the authorization for such fees is set forth in local regulations adopted under this chapter.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-08001, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-09501 Location. (1) Persons shall design and install LOSS to meet the minimum horizontal separations shown in Table I, Minimum Horizontal Separations:

Table I
Minimum Horizontal Separations

Items Requiring Setback	From edge of disposal component and reserve area	From septic tank, holding tank, containment vessel, pump chamber, and distribution box	From building sewer, collection, and nonperforated distribution line[1]
Nonpublic well or suction line	100 ft.	50 ft.	50 ft.
Public drinking water well	100 ft.	100 ft.	100 ft.
Public drinking water spring[3]	200 ft.	200 ft.	100 ft.
Spring or surface water used as drinking water source[2, 3]	100 ft.	50 ft.	50 ft.
Pressurized water supply line[4]	10 ft.	10 ft.	10 ft.
Properly decommissioned well[5]	10 ft.	N/A	N/A

Table I
Minimum Horizontal Separations

Items Requiring Setback	From edge of disposal component and reserve area	From septic tank, holding tank, containment vessel, pump chamber, and distribution box	From building sewer, collection, and nonperforated distribution line[1]
Surface water[3]:			
Marine water	100 ft.	50 ft.	10 ft.
Freshwater	100 ft.	50 ft.	10 ft.
Building foundation	10 ft.[6]	5 ft.[6]	2 ft.
Property or easement line[6]	5 ft.	5 ft.	N/A
Interceptor/curtain drains/drainage ditches:			
Downgradient[7]	30 ft.	5 ft.	N/A
Upgradient[7]	10 ft.	N/A	N/A
Downgradient cuts or banks with at least 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	25 ft.	N/A	N/A
Downgradient cuts or banks with less than 5 ft. of original, undisturbed soil above a restrictive layer due to a structural or textural change	50 ft.	N/A	N/A

[1]"Building sewer" as defined by the most current edition of the Uniform Plumbing Code. "Nonperforated distribution" includes pressure sewer transport lines.

[2]If surface water is used as a public drinking water supply, the designer shall locate the LOSS outside of the required sanitary control area.

[3]Measured from the ordinary high-water mark.

[4]The local health officer may approve a sewer transport line within ten feet of a water supply line if the sewer line is constructed in accordance with section 2.4 of the department of ecology's "*Criteria For Sewage Works Design*," revised October 1985, or equivalent.

[5]Before any component can be placed within 100 feet of a well, the designer shall submit a "decommissioned water well report" provided by a licensed well driller, which verifies that appropriate decommissioning procedures noted in chapter 173-160 WAC were followed. Once the well is properly decommissioned, it no longer provides a potential conduit to ground water, but septic tanks, pump chambers, containment vessels or distribution boxes should not be placed directly over the site.

[6]The local health officer may allow a reduced horizontal separation to not less than two feet where the property line, easement line, or building foundation is upgradient.

[7]The item is downgradient when liquid will flow toward it upon encountering a water table or a restrictive layer. The item is upgradient when liquid will flow away from it upon encountering a water table or restrictive layer.

(2) Where any condition indicates a greater potential for contamination or pollution, the department may increase the minimum horizontal separations. Examples of such conditions include excessively permeable soils, unconfined aquifers, shallow or saturated soils, dug wells, and improperly abandoned wells.

(3) Persons shall design and/or install disposal components only where:

(a) The slope is less than forty-five percent (twenty-four degrees);

(b) The area is not subject to:

(i) Encroachment by buildings or construction such as placement of swimming pools, power poles and underground utilities;

(ii) Cover by impervious material;

(iii) Vehicular traffic; or

(iv) Other activities adversely affecting the soil or the performance of the LOSS;

(c) Sufficient reserve area for replacement exists to treat and dispose one hundred percent of the design flow;

(d) The land is stable; and

(e) Surface drainage is directed away from the site.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-09501, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-11001 Soil and site evaluation. (1) The department shall permit only engineers, qualified designers and soil scientists to perform soil and site evaluations.

(2) The person evaluating the soil and site shall:

(a) Record:

(i) A sufficient number of soil logs to evaluate conditions within:

(A) The initial disposal component; and

(B) The reserve area.

(ii) The ground water conditions, the date of the observation, and the probable maximum height;

(iii) The topography of the site;

(iv) The drainage characteristics of the site;

(v) The existence of structurally deficient soils subject to major wind or water erosion events such as slide zones and dunes;

(vi) The existence of designated flood plains; and

(vii) The location of existing encumbrances affecting system placement, such as:

(A) Wells and suction lines;

(B) Water sources and supply lines;

(C) Surface water;

(D) Abandoned wells;

(E) Outcrops of bedrock and restrictive layers;

(F) Buildings;

(G) Property lines and lines of easement;

(H) Interceptors such as footing drains, curtain drains and drainage ditches;

(I) Cuts, banks, and fills;

(J) Driveways and parking areas;

(K) Existing OSS; and

(L) Underground utilities.

(b) Use the soil and site evaluation procedures and terminology in accordance with chapter 3 and Appendix A of the "*Design Manual: On-site Wastewater Treatment and Disposal Systems*," United States Environmental Protection Agency, EPA-625/1-80-012, October, 1980, except where modified by, or in conflict with, this chapter (available upon written request to the department);

(c) Use the soil names and particle size limits of the United States Department of Agriculture Soil Conservation Service classification system;

(d) Determine texture, structure, compaction and other soil characteristics that affect the treatment and water movement potential of the soil by using normal field and/or laboratory procedures such as particle size analysis; and

(e) Classify the soil as in Table II, Soil Textural Classification:

Table II
Soil Textural Classification

Soil Type	Soil Textural Classifications
1A	Very gravelly[1] coarse sands or coarser. All extremely gravelly[2] soils.
1B	Very gravelly medium sand, very gravelly fine sand. Very gravelly very fine sand, very gravelly loamy sands.
2A	Coarse sands (also includes ASTM C-33 sand).
2B	Medium sands.
3	Fine sands, loamy coarse sands, loamy medium sands.
4	Very fine sands, loamy fine sands, loamy very fine sands, sandy loams, loams.
5	Silt loams, that are porous and have well-developed structure.
6	Other silt loams, sandy clay loams, clay loams. Silty clay loams.
Unsuitable for treatment or disposal	Sandy clay, clay, silty clay, and strongly cemented or firm soils.

[1]Very gravelly = >35% and <60% gravel and coarse fragments, by volume.

[2]Extremely gravelly = >60% gravel and coarse fragments, by volume.

(3) The owner of the property or his agent shall:

(a) Prepare the soil log excavation to:

(i) Allow examination of the soil profile in its original position by:

(A) Excavating pits of sufficient dimensions to enable observation of soil characteristics by visual and tactile means to a depth three feet deeper than the anticipated bottom of the disposal component; or

(B) Stopping at a shallower depth if a water table or restrictive layer is encountered; and

(ii) Allow determination of the soil's texture, structure, color, bulk density or compaction, water absorption capabilities or permeability, and elevation of the highest seasonal water table; and

(b) Assume responsibility for constructing and maintaining the soil log excavation in a manner to reduce potential for physical injury by:

(i) Placing excavated soil no closer than two feet of the excavation;

(ii) Providing a ladder, earth ramp or steps for safe egress to a depth of four feet, then scoop out a portion from the floor to gain the additional two-foot depth necessary to observe the six feet of soil face; however, the scooped portion is not to be entered;

(iii) Provide a physical warning barrier around the excavation's perimeter; and

(iv) Fill the excavation upon completion of the soil log.

(4) The department:

(a) Shall render a decision on the height of the water table within twelve months of receiving the application under precipitation conditions typical for the region;

(b) May require water table measurements to be recorded during months of probable high-water table conditions, if insufficient information is available to determine the highest seasonal water table;

(c) May require any other soil and site information affecting location, design, or installation; and

(d) May reduce the required number of soil logs for LOSS if adequate soils information has previously been developed.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-11001, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-11501 Design. (1) The department shall require that large on-site sewage systems be designed only by engineers.

(2) The department shall require the following design criteria:

(a) All the sewage from the building served is directed to the LOSS;

(b) Drainage from the surface, footing drains, roof drains, and other nonsewage drains is prevented from entering the LOSS and the area where the LOSS is located;

(c) The LOSS is designed to treat and dispose of the following flows:

(i) For single family residences, one hundred twenty gallons per bedroom per day, with a minimum of two hundred forty gallons per day, unless technical justification is provided to support calculations using a lower design flow;

(A) For other facilities, the design flows noted in "*Design Manual: On-site Wastewater Treatment and Disposal Systems*," United States Environmental Protection Agency, EPA-625/1-80-012, October, 1980 (available upon written request to the department). If the type of facility is not listed in the EPA design manual, design flows from one of the following documents are used: "*Design Standards for Large On-site Sewage Systems*," 1993, Washington state department of health (available upon request to the department); or

(B) "*Criteria for Sewage Works Design*," revised October 1985, Washington state department of ecology (available upon written request to the department of ecology).

(d) Septic tanks:

(i) Have the following minimum liquid capacities:

(A) For a single family residence use Table III, Required Minimum Liquid Volumes of Septic Tanks:

Table III
Required Minimum Liquid Volumes of Septic Tanks

Number of Bedrooms	Required minimum liquid tank volume in gallons
≤3	900
4	1000
Each additional bedroom	250

(B) For facilities handling residential sewage, other than one single family residence, 1.5 times the daily design flow with a minimum of 1000 gallons;

(ii) Have clean-out and inspection accesses within twelve inches of finished grade; and

(iii) Are designed with protection against floatation and ground water intrusion in high ground water areas;

(e) Pump chambers:

(i) Have clean-out and inspection accesses at or above finished grade; and

(ii) Are designed with protection against floatation, ground water intrusion, and surface water inflow in high ground water areas;

(f) SSAS beds are only designed in soil types 2A, 2B, with a width not exceeding ten feet;

(g) Conventional pressure distribution systems have:

(i) The calculation of absorption area based upon the design flows in subsection (2)(c) of this section and loading rates equal to or less than those in Table V, Maximum Hydraulic Loading Rate for Residential Sewage, and applied only to the bottom of the trench of the excavation.

Table V
Maximum Hydraulic Loading Rate For Residential Sewage[1]

Soil Type	Soil Textural Classification Description	Loading Rate gal./sq. ft./day
1A	Very gravelly[2] coarse sands or coarser, extremely gravelly[3] soils.	Varies according to system selected to meet treatment standard 2[4].
1B	Very gravelly medium sands, very gravelly fine sands, very gravelly very fine sands, very gravelly loamy sands.	Varies according to soil type of the nongravel portion[5].
2A	Coarse sands (includes the ASTM C-33 sand).	1.2
2B	Medium sands.	1.0
3	Fine sands, loamy coarse sands, loamy medium sands.	0.8
4	Very fine sands, loamy fine sands, loamy very fine sands, sandy loams, loams.	0.6
5	Silt loams that are porous and have well-developed structure.	0.45

[1]Compacted soils, cemented soils, and/or poor soil structure may require a reduction of the loading rate or make the soil unsuitable for conventional OSS systems.

[2]Very gravelly = >35% and <60% gravel and coarse fragments, by volume.

[3]Extremely gravelly = >60% gravel and coarse fragments, by volume.

[4]Due to the highly permeable nature of type 1A soil, only alternative systems which meet or exceed treatment standard 2 can be installed. However, a conventional gravity system may be used if it meets all criteria listed under (h) of this subsection (WAC 246-272-11501 (2)(h)). The loading rate for these systems is provided in the appropriate guideline.

[5]The maximum loading rate listed for the soil described as the nongravel portion is to be used for calculating the absorption surface area required. The value is to be determined from this table.

(ii) The bottom of a SSAS shall not be deeper than three feet below the finished grade, except under special conditions approved by the local health officer. The depth of such system shall not exceed ten feet from the finished grade;

(iii) The sidewall below the invert of the distribution pipe is located in original, undisturbed soil;

(iv) Clean gravel, covered with a geotextile; and

(v) A cover of between six and twenty-four inches of mineral soil containing no greater than ten percent organic content over the gravel to preclude accumulation of water over the drainfield.

(3) The department:

(a) Shall approve only LOSS designs meeting the requirements of this chapter;

(b) Shall not approve designs for:

(i) Cesspools;

(ii) Seepage pits, except as allowed for repairs under WAC 246-272B-16501;

(c) May approve a design for the reserve area different than the design approved for the initial LOSS, if both designs meet the requirements of this chapter for new construction; and

(d) May allow the hydraulic loading rate calculated for the infiltration surface area in a disposal component to include six inches of the SSAS sidewall height for determining design flow where total recharge by annual precipitation and irrigation is less than twelve inches per year.

(4) The department shall:

(a) Develop and maintain design and construction standards for septic tanks, pump chambers, and holding tanks;

(b) Review septic tanks, pump chambers, and holding tanks approving those satisfying the design and construction standards developed by the department.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-11501, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-12501 Holding tank sewage systems. (1) Persons shall not install or use holding tank sewage systems for residential development or expansion of residences, whether seasonal or year-round, except:

(a) For permanent uses limited to controlled, part-time, commercial usage situations, such as, recreational vehicle parks and trailer dump stations.

(b) For interim uses limited to handling of emergency situations.

(c) For repairs as permitted under WAC 246-272B-16501 (1)(c)(i).

(2) A person proposing to use a holding tank sewage system shall:

(a) Follow established design criteria established by the department;

(b) Submit a management program to the department assuring ongoing operation and maintenance before the department grants project approval; and

(c) Use a holding tank on the current approved list.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-12501, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-13501 Installation. (1) The department shall require approved installers to construct LOSS.

(2) The installer shall:

(a) Follow the approved design;

(b) Have the approved design in possession during installation;

(c) Only install septic tanks, pump chambers, and holding tanks approved by the department;

(d) Be on the site at all times during the excavation and construction of the LOSS;

(e) Install the LOSS to be watertight, except for the disposal component;

(f) Cover the installation only after the department has given approval to cover; and

(g) Back fill and grade the site to prevent surface water from accumulating over any component of the LOSS.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-13501, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-15501 Operation and maintenance. (1) The LOSS owner is responsible for properly operating and maintaining the LOSS, and shall:

(a) Determine the level of solids and scum in the septic tank once every three years;

(b) Employ an approved pumper to remove the septage from the tank when the level of solids and scum indicates that removal is necessary;

(c) Protect the LOSS area and the reserve area from:

(i) Cover by structures or impervious material;

(ii) Surface drainage;

(iii) Soil compaction, for example by vehicular traffic or livestock; and

(iv) Damage by soil removal and grade alteration;

(d) Keep the flow of sewage to the LOSS at or below the approved design both in quantity and waste strength;

(e) Operate and maintain the LOSS as directed by the department; and

(f) Direct drains, such as footing or roof drains, away from the area where the LOSS is located.

(2) Persons shall not:

(a) Use or introduce strong bases, acids or chlorinated organic solvents into a LOSS for the purpose of system cleaning;

(b) Use a sewage system additive unless it is specifically approved by the department; or

(c) Use a LOSS to dispose of waste components atypical of residential wastewater.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-15501, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-16501 Repair of failures. (1) When a LOSS failure occurs, the LOSS owner shall:

(a) Repair or replace the LOSS with a conforming system on the:

(i) Property served; or

(ii) Nearby or adjacent property if easements are obtained; or

(b) Connect the residence or facility to a:

(i) Publicly owned LOSS; or

(ii) Privately owned LOSS where it is deemed economically feasible; or

(iii) Public sewer; or

(c) Perform one of the following when requirements in (a) or (b) of this subsection are not feasible:

(i) Use a holding tank; or

(ii) Obtain a National Pollution Discharge Elimination System or state discharge permit from the Washington state department of ecology issued to a public entity or jointly to a public entity and the system owner only when the local health officer determines:

(A) A LOSS is not feasible; and

(B) The only realistic method of final disposal of treated effluent is discharge to the surface of the land or into surface water; or

(iii) Abandon the property.

(2) Prior to replacing or repairing the effluent disposal component, the LOSS owner shall develop and submit information required under WAC 246-272B-08001.

(3) The person responsible for the design shall locate and design repairs to:

(a) Protect drinking water sources;

(b) Prevent the direct discharge of sewage to ground water, surface water, or upon the surface of the ground;

(c) Meet the horizontal separations under WAC 246-272B-09501(1) to public drinking water sources;

(d) Meet other requirements of this chapter to the maximum extent permitted by the site; and

(e) Maximize the:

(i) Vertical separation;

(ii) Distance from a well, spring, or suction line; and

(iii) Distance to surface water.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-16501, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-17501 Expansions. The department shall require an on-site sewage system and a reserve area in full compliance with the new system construction standards specified in this chapter for an expansion of a residence or other facility.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-17501, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-18501 Abandonment. Persons permanently removing a septic tank, seepage pit, cesspool, or other sewage container from service shall:

(1) Have the septage removed by an approved pumper;
(2) Remove or destroy the lid; and
(3) Fill the void with soil.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-18501, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-19501 Septage management. (1) An individual shall be approved by the local health officer as a qualified pumper before removing septage from a LOSS.

(2) Persons removing septage from a LOSS shall:

(a) Transport septage or sewage only in vehicles clearly identified with the name of the business and approved by the local health officer;

(b) Record and report septage removal to the local health officer;

(c) Dispose of septage, or apply septage biosolids to land only in a manner consistent with applicable laws.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-19501, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-20501 Developments, subdivisions, and minimum land area requirements. (1) A person proposing the development shall obtain approval from the local health officer prior to any development where the use of LOSS is proposed.

(2) The local health officer shall require the following prior to approving any development:

(a) Site evaluations as required under WAC 246-272B-11001, excluding subsections (3)(a)(i) and (4)(d);

(b) Where a subdivision with individual wells is proposed:

(i) Configuration of each lot to allow a one hundred-foot radius water supply protection zone to fit within the lot lines; or

(ii) Establishment of a one hundred-foot protection zone around each existing and proposed well site;

(c) Where preliminary approval of a subdivision is requested, provision of at least one soil log per proposed lot, unless the local health officer determines existing soils information allows fewer soil logs;

(d) Determination of the minimum lot size or minimum land area required for the development using method I and/or method II:

(i) **METHOD I.** Table VII, Single Family Residence Minimum Lot Size or Minimum Land Area Required Per Unit Volume of Sewage, shows the minimum lot size required per single family residence. For developments other than single family residences, the minimum land areas shown are required for each unit volume of sewage.

Table VII
Minimum Land Area Requirement
Single Family Residence or Unit Volume of Sewage

Type of water supply	Soil Type (defined by section 11001 of this chapter)					
	1A, 1B	2A, 2B	3	4	5	6
Public	0.5 acre[1]					
	2.5 acre[2]	12,500 sq. ft.	15,000 sq. ft.	18,000 sq. ft.	20,000 sq. ft.	22,000 sq. ft.
Individual on each lot	1.0 acre[1]					
	2.5 acres[2]	1 acre	1 acre	1 acre	2 acres	2 acres

[1]Due to the highly permeable nature of soil type 1A, only alternative systems which meet or exceed treatment standard 2 can be installed.

[2]A conventional gravity system in type 1 soil is only allowed if it is in compliance with all conditions listed under WAC 246-272-11501 (2)(h). One of these limiting conditions is a 2.5 acre minimum lot size.

(ii) **METHOD II.** A minimum land area proposal using method II is acceptable only when the applicant:

(A) Justifies the proposal through a written analysis of the:

(I) Soil type and depth;
(II) Area drainage, and/or lot drainage;
(III) Public health impact on ground and surface water quality;
(IV) Setbacks from property lines, water supplies, etc.;
(V) Source of domestic water;
(VI) Topography, geology, and ground cover;
(VII) Climatic conditions;
(VIII) Availability of public sewers;
(IX) Activity or land use, present, and anticipated;
(X) Growth patterns;
(XI) Reserve areas for additional subsurface treatment and disposal;
(XII) Anticipated sewage volume;
(XIII) Compliance with current planning and zoning requirements;
(XIV) Possible use of alternative systems or designs;
(XV) Existing encumbrances, such as listed in WAC 246-272B-11001 (2)(a)(vii) and legal access documents if any component of the LOSS is not on the lot where the sewage is generated; and
(XVI) Any other information required by the local health officer.

(B) Shows development with public water supplies having:

(I) At least twelve thousand five hundred square feet lot sizes per single family residence;
(II) No more than 3.5 unit volumes of sewage per day per acre for developments other than single family residences; and

(C) Shows development with individual water supplies having at least one acre per unit volume of sewage; and

(D) Shows land area under surface water is not included in the minimum land area calculation; and

(e) Regardless of which method is used for determining required minimum lot sizes or minimum land area, submittal to the health officer of information consisting of field data, plans, and reports supporting a conclusion the land area provided is sufficient to:

(i) Install conforming LOSS;

(ii) Assure preservation of reserve areas for proposed and existing LOSS;

(iii) Properly treat and dispose of the sewage; and

(iv) Minimize public health effects from the accumulation of contaminants in surface and ground water.

(3) The local health officer or department shall require lot areas of twelve thousand five hundred square feet or larger except when a person proposes:

(a) LOSS within the boundaries of a recognized sewer utility having a finalized assessment roll; or

(b) A planned unit development with:

(i) A signed, notarized, and recorded deed covenant restricting any development of lots or parcels above the approved density with the density meeting the minimum land area requirements of subsection (2)(d) of this section;

(ii) A public entity responsible for operation and maintenance of the LOSS, or a single individual owning the LOSS;

(iii) Management requirements under WAC 246-272B-08001 when installing a LOSS; and

(iv) Extinguishment of the deed covenant and higher density development allowed only when the development connects to public sewers.

(4) The local health officer or department may:

(a) Allow inclusion of the area to the centerline of a road or street right of way in a method II determination under subsection WAC 246-272B-20501 (2)(d)(ii) to be included in the minimum land area calculation if:

(i) The dedicated road or street right of ways are along the perimeter of the development;

(ii) The road or street right of ways are dedicated as part of the proposed development; and

(iii) Lots are at least twelve thousand five hundred square feet in size.

(b) Require detailed plot plans and LOSS designs prior to final approval of subdivision proposals;

(c) Require larger land areas or lot sizes to achieve public health protection; or

(d) Prohibit development on individual lots within the boundaries of an approved subdivision if the proposed LOSS design does not protect public health by meeting requirements of these regulations.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-20501, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-21501 Areas of special concern. (1) The local health officer may investigate and take appropriate action to minimize public health risk in formally designated areas such as:

(a) Shellfish protection districts or shellfish growing areas;

(b) Sole source aquifers designated by the U.S. Environmental Protection Agency;

(c) Areas with a critical recharging effect on aquifers used for potable water as designated under Washington Growth Management Act, RCW 36.70A.170;

(d) Designated public water supply wellhead protection areas;

(e) Upgradient areas directly influencing water recreation facilities designated for swimming in natural waters with artificial boundaries within the waters as described by the Water Recreation Facilities Act, chapter 70.90 RCW;

(f) Areas designated by the department of ecology as special protection areas under WAC 173-200-090, Water quality standards for ground waters of the state of Washington;

(g) Wetland areas under production of crops for human consumption;

(h) Frequently flooded areas delineated by the Federal Emergency Management Agency; and

(i) Areas identified and delineated by the local board of health in consultation with the department to address public health threat from on-site systems.

(2) The permit issuing authority may impose more stringent requirements on new development and corrective measures to protect public health upon existing developments in areas of special concern, including:

(a) Additional location, design, and/or performance standards for OSS;

(b) Larger land areas for new development;

(c) Prohibition of development;

(d) Additional operation, maintenance, and monitoring of OSS performance;

(e) Requirements to upgrade existing OSS;

(f) Requirements to abandon existing OSS; and

(g) Monitoring of ground water or surface water quality.

(3) Within areas of special concern, to reduce risk of system failures, a person approved or designated by the local health officer shall:

(a) Inspect every OSS at least once every three years;

(b) Submit the following written information to both the local health officer and the property owner within thirty days following the inspection:

(i) Location of the tank;

(ii) Structural condition of the tank, including baffles;

(iii) Depth of solids in tank;

(iv) Problems detected with any part of the system;

(v) Maintenance needed;

(vi) Maintenance provided at time of inspection; and

(vii) Other information as required by the local health officer.

(c) Immediately report failures to the local health officer.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-21501, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-24001 State advisory committee. The department shall:

(1) Maintain an on-site sewage advisory committee to:

(a) Make recommendations concerning departmental policy and regulations;

(b) Review program services; and

(c) Provide input to the department regarding the on-site sewage program;

(2) Select members from agencies, professions, organizations having knowledge and interest in OSS, and groups which are affected by the regulations; and

(3) Convene meetings as needed.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-24001, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-25001 Waiver of state regulations. (1) The department may grant a waiver from specific requirements in this chapter if a person submits a completed depart-

mental waiver application and required fee to the department, including justification showing the requested waiver is consistent with the LOSS standards in this chapter, and is consistent with the purpose and objectives of this chapter to assure public health protection.

(2) If an applicant desires to modify and resubmit a previously denied waiver request, the process described above in subsection (1) of this section shall be followed again.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-25001, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-26001 Enforcement. (1) The department:

(a) Shall enforce the rules of chapter 246-272B WAC; or

(b) May refer cases within their jurisdiction to the local prosecutor's office or office of the attorney general, as appropriate.

(2) When a person violates the provisions under this chapter, the department, local health officer, local prosecutor's office, or office of the attorney general may initiate enforcement or disciplinary actions, or any other legal proceeding authorized by law, including, but not limited to, any one or a combination of the following:

(a) Informal administrative conferences, convened at the request of the department or owner, to explore facts and resolve problems;

(b) Orders directed to the owner and/or operator of the LOSS and/or person causing or responsible for the violation of the rules of chapter 246-272B WAC;

(c) Denial, suspension, modification, or revocation of permits, approvals, or certification; and

(d) Civil or criminal action.

(3) Orders authorized under this section include the following:

(a) Orders requiring corrective measures necessary to effect compliance with chapter 246-272B WAC which may include a compliance schedule; and

(b) Orders to stop work and/or refrain from using any LOSS or portion of the LOSS or improvements to the LOSS until all permits, certifications, and approvals required by rule or statute are obtained.

(4) Enforcement orders issued under this section shall:

(a) Be in writing;

(b) Name the person or persons to whom the order is directed;

(c) Briefly describe each action or inaction constituting a violation of the rules of chapter 246-272B WAC, or applicable local code;

(d) Specify any required corrective action, if applicable;

(e) Specify the effective date of the order, with time or times of compliance;

(f) Provide notice of the consequences of failure to comply or repeated violation, as appropriate. Such notices may include a statement that continued or repeated violation may subject the violator to:

(i) Denial, suspension, or revocation of a permit approval, or certification; and/or

(ii) Referral to the office of the county prosecutor or attorney general;

(iii) Other appropriate remedies;

(g) Provide the name, business address, and phone number of an appropriate staff person who may be contacted regarding an order;

(h) Comply with chapters 43.70 and 34.05 RCW if issued by the department.

(5) Enforcement orders shall be personally served in the manner of service of a summons in a civil action or in a manner showing proof of receipt.

(6) The department shall have cause to deny the application or reapplication for an operational permit or to revoke, suspend, or modify a required operational permit of any person who has:

(a) Failed or refused to comply with the provisions of chapter 246-272B WAC, or any other statutory provision or rule regulating the operation of a LOSS; or

(b) Obtained or attempted to obtain a permit or any other required certificate or approval by misrepresentation.

(7) For the purposes of subsection (6) of this section and WAC 246-272B-27001, a person is defined to include:

(a) Applicant;

(b) Reapplicant;

(c) Permit holder; or

(d) Any individual associated with (a), (b) or (c) of this subsection including, but not limited to:

(i) Board members;

(ii) Officers;

(iii) Managers;

(iv) Partners;

(v) Association members;

(vi) Agents; and in addition

(vii) Third persons acting with the knowledge of such persons.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-26001, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-27001 Notice of decision—Adjudicative proceeding. (1) The department shall provide notice of a denial, suspension, modification or revocation of a permit, certification, or approval consistent with RCW 43.70.115, chapter 34.05 RCW, and chapter 246-10 WAC.

(2) A person contesting a departmental decision regarding a permit, certificate, approval, or fine may file a written request for an adjudicative proceeding consistent with chapter 246-10 WAC.

(3) Department actions are governed under the Administrative Procedure Act, chapter 34.05 RCW, RCW 43.70.115, this chapter, and chapter 246-10 WAC.

(4) All LOSS contract jurisdictions shall establish rules for conducting hearings requested to contest a local health officer's actions.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-27001, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-28001 Severability. If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-28001, filed 11/5/03, effective 12/6/03.]

WAC 246-272B-990 Fees. The minimum fee for required review of larger on-site system's engineering reports and plans and specifications shall be four hundred dollars. If review time exceeds eight hours, fifty dollars for each additional hour or part of an hour shall be added to the minimum fee. The fee for presite inspections for larger on-site systems shall be one hundred dollars per visit. The fee for final inspections of larger on-site systems shall be one hundred dollars per site visit.

[Statutory Authority: RCW 43.20.050. 03-22-098, § 246-272B-990, filed 11/5/03, effective 12/6/03.]

Chapter 246-282 WAC
SANITARY CONTROL OF SHELLFISH

WAC

246-282-990 Fees.

WAC 246-282-990 Fees. (1) Annual shellfish operation license fees are:

Type of Operation	Annual Fee
Harvester	$250.
Shellstock Shipper	
0 - 49 Acres	$282.
50 or greater Acres	$452.
Scallop Shellstock Shipper	$282
Shucker-Packer	
Plants with floor space < 2000 sq. ft.	$514.
Plants with floor space 2000 sq. ft. to 5000 sq. ft.	$622.
Plants with floor space > 5000 sq. ft.	$1,147.

(2) The fee for each export certificate is $10.30.

(3) Annual PSP testing fees for companies harvesting species other than geoduck intertidally (between the extremes of high and low tide) are as follows:

Fee Category Type of Operation	Number of Harvest Sites	Fee
Harvester	≤ 2	$173
Harvester	3 or more	$259
Shellstock Shipper 0 - 49 acres	≤ 2	$195
Shellstock Shipper 0 - 49 acres	3 or more	$292
Shellstock Shipper 50 or greater acres	N/A	$468
Shucker-Packer (plants < 2000 ft²)	≤ 2	$354
Shucker-Packer (plants < 2000 ft²)	3 or more	$533
Shucker-Packer (plants 2000-5000 ft²)	≤ 2	$429
Shucker-Packer (plants 2000-5000 ft²)	3 or more	$644
Shucker-Packer (plants > 5000 ft²)	N/A	$1,189

(a) The number of harvest sites will be the total number of harvest sites on the licensed company's harvest site certificate:

(i) At the time of first licensure; or

(ii) January 1 of each year for companies licensed as harvesters; or

(iii) July 1 of each year for companies licensed as shellstock shippers and shucker packers.

(b) Two or more contiguous parcels with a total acreage of one acre or less is considered one harvest site.

(4) Annual PSP testing fees for companies harvesting geoduck are as follows:

Harvester	Fee
Department of natural resources (quota tracts harvested by DNR contract holders)	$9,987
Jamestown S'Klallam Tribe	$10,442
Lower Elwah Klallam Tribe	$1,249
Lummi Nation	$454
Nisqually Indian Tribe	$2,497
Port Gamble S'Klallam Tribe	$5,675
Puyallup Tribe of Indians	$3,859
Skokomish Indian Tribe	$908
Squaxin Island Tribe	$4,994
Suquamish Tribe	$7,832
Swinomish Tribe	$568
Tulalip Tribe	$2,724
Chelsea Farms LLC DBA Duc's, Inc.	$227
Seattle Shellfish	$454
Taylor Shellfish Company, Inc. (Shelton)	$795
Washington Shell Fish, Inc.	$5,335

(5) PSP fees must be paid in full to department of health before a commercial shellfish license is issued or renewed.

(6) Refunds for PSP fees will be given only if the applicant withdraws a new or renewal license application prior to the effective date of the new or renewed license.

[Statutory Authority: RCW 43.70.250. 03-18-093, § 246-282-990, filed 9/2/03, effective 10/3/03. Statutory Authority: RCW 43.70.250 and 34.70.250 [43.70.250]. 03-14-037, § 246-282-990, filed 6/23/03, effective 7/24/03. Statutory Authority: RCW 43.70.250 and the 2002 supplemental operating budget. 02-15-094, § 246-282-990, filed 7/16/02, effective 8/16/02. Statutory Authority: RCW 43.70.250, 70.90.150, and 43.20B.250. 01-14-047, § 246-282-990, filed 6/29/01, effective 7/30/01. Statutory Authority: RCW 69.30.030 and 43.20.030. 01-04-054, § 246-282-990, filed 2/5/01, effective 3/8/01. Statutory Authority: RCW 43.70.250. 00-02-016, § 246-282-990, filed 12/27/99, effective 1/27/00; 99-12-022, § 246-282-990, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 43.20B.020 and 69.30.030. 98-12-068, § 246-282-990, filed 6/1/98, effective 7/2/98. Statutory Authority: RCW 43.203.020 [43.20B.020]. 97-12-031, § 246-282-990, filed 5/30/97, effective 6/30/97. Statutory Authority: RCW 43.20B.020 and 69.30.030. 96-16-073, § 246-282-990, filed 8/6/96, effective 10/1/96. Statutory Authority: RCW 43.70.040. 93-17-096 (Order 389), § 246-282-990, filed 8/17/93, effective 9/17/93; 91-02-049 (Order 121), recodified as § 246-282-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20A.055. 85-12-029 (Order 2236), § 440-44-065, filed 5/31/85; 84-13-006 (Order 2109), § 440-44-065, filed 6/7/84; 83-15-021 (Order 1991), § 440-44-065, filed 7/14/83. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-065, filed 6/4/82.]

Chapter 246-290 WAC
PUBLIC WATER SUPPLIES

WAC

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246-290-010 Definitions.
246-290-025 Adoption by reference.
246-290-060 Variances, exemptions, and waivers.
246-290-100 Water system plan.
246-290-105 Small water system management program.
246-290-125 Project report and construction document submittal exceptions.

246-290-220 Drinking water materials and additives.
246-290-300 Monitoring requirements.
246-290-310 Maximum contaminant levels (MCLs) and maximum residual disinfectant levels (MRDLs).
246-290-320 Follow-up action.
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246-290-451 Disinfection of drinking water.
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246-290-601 Purpose of surface water treatment.
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246-290-660 Filtration.
246-290-662 Disinfection for filtered systems.
246-290-664 Monitoring for filtered systems.
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246-290-676 Filtration technology and design criteria.
246-290-690 Criteria to remain unfiltered.
246-290-691 Criteria for unfiltered systems with a "limited alternative to filtration" to remain unfiltered.
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246-290-694 Monitoring for unfiltered systems.
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246-290-71001 Public notification.
246-290-71002 Public notice content.
246-290-71003 Public notification distribution.
246-290-71004 Public notification mandatory language.
246-290-71005 Special public notification requirements.
246-290-71006 Consumer information.
246-290-71007 Public notification special provisions.
246-290-72001 Purpose and applicability of the consumer confidence report requirements.
246-290-72005 Report contents—Information on detected contaminants.
246-290-72007 Report contents—Compliance with National Primary Drinking Water Regulations.
246-290-72010 Report contents—Required additional health information.
246-290-72012 Regulated contaminants.
246-290-990 Water system evaluation and project review and approval fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-290-495 Public notification. [Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-495, filed 3/9/99, effective 4/9/99.] Repealed by 03-08-037, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080.

WAC 246-290-002 Guidance. (1) The department has numerous guidance documents available to help purveyors comply with state and federal rules regarding drinking water. These include documents on the following subjects:

(a) Compliance;
(b) System management and financial assistance;
(c) Ground water protection;
(d) Growth management;
(e) Operations/maintenance;
(f) Operator certification;
(g) Water system planning;
(h) Monitoring and water quality;
(i) System approval;
(j) Small water systems;
(k) Water resources;
(l) Water system design; and
(m) General information.

(2) The department's guidance documents are available at minimal or no cost by contacting the division of drinking water's publication service at (360) 236-3099 or (800) 521-0323. Individuals can also request the documents via the internet at http://www.doh.wa.gov/ehp/dw or through conventional mail at P.O. Box 47822, Olympia, Washington 98504-7822.

(3) Federal guidance documents are available from the Environmental Protection Agency for a wide range of topics. These are available from the EPA Office of Ground Water and Drinking Water website at www.epa.gov/safewater/index.html.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-002, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-002, filed 3/9/99, effective 4/9/99.]

WAC 246-290-010 Definitions. Abbreviations and acronyms:

ADD - average day demand;
AG - air gap;
ANSI - American National Standards Institute;
APWA - American Public Works Association;
ASCE - American Society of Civil Engineers;
AVB - atmospheric vacuum breaker;
AWWA - American Water Works Association;
BAT - best available technology;
BAT - backflow assembly tester (for WAC 246-29-490);
C - residual disinfectant concentration in mg/L;
CCS - cross-connection control specialist;
CFR - code of federal regulations;
CPE - comprehensive performance evaluation;
CT - the mathematical product in mg/L - minutes of "C" and "T";
CTA - comprehensive technical assistance;
CWSSA - critical water supply service area;
DBPs - disinfection by-products;
DCDA - double check detector assembly;
DCVA - double check valve assembly;
EPA - Environmental Protection Agency;
ERU - equivalent residential unit;
gph - gallons per hour;
gpm - gallons per minute;
GAC - granular activated carbon;
GAC10 - granular activated carbon with ten-minute empty bed contact time based on average daily flow and one hundred eighty-day reactivation frequency;
GWI - ground water under the direct influence of surface water;
HAA5 - haloacetic acids (five);
HPC - heterotrophic plate count;
IAPMO - International Association of Plumbing and Mechanical Officials;
kPa - kilo pascal (SI units of pressure);
MCL - maximum contaminant level;
MDD - maximum day demand;
mg/L - milligrams per liter (1 mg/L = 1 ppm);
mL - milliliter;
mm - millimeter;
MRDL - maximum residual disinfectant level;
MRDLG - maximum residual disinfectant level goal;
MTTP - maximum total trihalomethane potential;
NSF - National Sanitation Foundation;

NTNC - nontransient **noncommunity;**
NTU - nephelometric turbidity unit;
PAA - project approval application;
pCi/L - picocuries per liter;
PHD - peak hourly demand;
ppm - parts per million (1 ppm = 1 mg/L);
psi - pounds per square inch;
PVBA - pressure vacuum breaker assembly;
RPBA - reduced pressure backflow assembly;
RPDA - reduced pressure detector assembly;
SAL - state advisory level;
SCA - sanitary control area;
SDWA - Safe Drinking Water Act;
SEPA - State Environmental Policy Act;
SOC - synthetic organic chemical;
SMA - satellite management agency;
SPI - special purpose investigation;
SRF - state revolving fund;
SUVA - specific ultraviolet absorption;
SVBA - spill resistant vacuum breaker assembly;
SWTR - surface water treatment rule;
T - disinfectant contact time in minutes;
TTHM - total trihalomethane;
TNC - transient **noncommunity;**
TNTC - too numerous to count;
TOC - total organic carbon;
UBC - Uniform Building Code;
ug/L - micrograms per liter;
UL - Underwriters Laboratories, Inc.;
umhos/cm - micromhos per centimeter;
UPC - Uniform Plumbing Code;
UTC - utilities and transportation commission;
VOC - volatile organic chemical;
WAC - Washington Administrative Code;
WFI - water facilities inventory and report form; and
WHPA - wellhead protection area.

"Acute" means posing an immediate risk to human health.

"Alternate filtration technology" means a filtration process for substantial removal of particulates (generally > 2 log *Giardia lamblia* cysts and/or, for systems serving at least 10,000 people, ≥ 2-log removal of *Cryptosporidium* oocysts) by other than conventional, direct, diatomaceous earth, or slow sand filtration processes.

"Analogous treatment system" means an existing water treatment system that has unit processes and source water quality characteristics that are similar to a proposed treatment system.

"Approved air gap" means a physical separation between the free-flowing end of a potable water supply pipeline and the overflow rim of an open or nonpressurized receiving vessel. To be an air gap approved by the department, the separation must be at least:

Twice the diameter of the supply piping measured vertically from the overflow rim of the receiving vessel, and in no case be less than one inch, when unaffected by vertical surfaces (sidewalls); and:

Three times the diameter of the supply piping, if the horizontal distance between the supply pipe and a vertical surface (sidewall) is less than or equal to three times the diameter of the supply pipe, or if the horizontal distance between the supply pipe and intersecting vertical surfaces (sidewalls) is less than or equal to four times the diameter of the supply pipe and in no case less than one and one-half inches.

"Approved atmospheric vacuum breaker" means an AVB of make, model, and size that is approved by the department. AVBs that appear on the current approved backflow prevention assemblies list developed by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research or that are listed or approved by other nationally recognized testing agencies (such as IAPMO, ANSI, or UL) acceptable to the local administrative authority are considered approved by the department.

"Approved backflow preventer" means an approved air gap, an approved backflow prevention assembly, or an approved AVB. The terms "approved backflow preventer," "approved air gap," or "approved backflow prevention assembly" refer only to those approved backflow preventers relied upon by the purveyor for the protection of the public water system. The requirements of WAC 246-290-490 do not apply to backflow preventers installed for other purposes.

"Approved backflow prevention assembly" means an RPBA, RPDA, DCVA, DCDA, PVBA, or SVBA of make, model, and size that is approved by the department. Assemblies that appear on the current approved backflow prevention assemblies list developed by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research or other entity acceptable to the department are considered approved by the department.

"As-built drawing" means the drawing created by an engineer from the collection of the original design plans, including changes made to the design or to the system, that reflects the actual constructed condition of the water system.

"Authorized agent" means any person who:

Makes decisions regarding the operation and management of a public water system whether or not he or she is engaged in the physical operation of the system;

Makes decisions whether to improve, expand, purchase, or sell the system; or

Has discretion over the finances of the system.

"Average day demand (ADD)" means the total quantity of water use from all sources of supply as measured or estimated over a calendar year divided by three hundred sixty-five. ADD is typically expressed as gallons per day per ERU (gpd/ERU).

"Backflow" means the undesirable reversal of flow of water or other substances through a cross-connection into the public water system or consumer's potable water system.

"Backflow assembly tester" means a person holding a valid BAT certificate issued in accordance with chapter 246-292 WAC.

"Backpressure" means a pressure (caused by a pump, elevated tank or piping, boiler, or other means) on the consumer's side of the service connection that is greater than the pressure provided by the public water system and which may cause backflow.

"Backsiphonage" means backflow due to a reduction in system pressure in the purveyor's distribution system and/or consumer's water system.

"Best available technology (BAT)" means the best technology, treatment techniques, or other means that EPA

finds, after examination for efficacy under field conditions, are available, taking cost into consideration.

"Blended sample" means a sample collected from two or more individual sources at a point downstream of the confluence of the individual sources and prior to the first connection.

"C" means the residual disinfectant concentration in mg/L at a point before or at the first consumer.

"Category red operating permit" means an operating permit identified as such under chapter 246-294 WAC. Placement in this category results in permit issuance with conditions and a determination that the system is inadequate.

"Chemical contaminant treatment facility" means a treatment facility specifically used for the purpose of removing chemical contaminants.

"Clarification" means a treatment process that uses gravity (sedimentation) or dissolved air (flotation) to remove flocculated particles.

"Closed system" means any water system or portion of a water system in which water is transferred to a higher pressure zone closed to the atmosphere, such as when no gravity storage is present.

"Coagulant" means a chemical used in water treatment to destabilize particulates and accelerate the rate at which they aggregate into larger particles.

"Coagulation" means a process using coagulant chemicals and rapid mixing to destabilize colloidal and suspended particles and agglomerate them into flocs.

"Combination fire protection system" means a fire sprinkler system that:

Is supplied only by the purveyor's water;

Does not have a fire department pumper connection; and

Is constructed of approved potable water piping and materials that serve both the fire sprinkler system and the consumer's potable water system.

"Completely treated water" means water from a surface or GWI source that receives filtration or disinfection treatment that fully complies with the treatment technique requirements of Part 6 of this chapter as determined by the department.

"Composite sample" means a sample in which more than one source is sampled individually by the water system and then composited by a certified laboratory by mixing equal parts of water from each source (up to five different sources) and then analyzed as a single sample.

"Comprehensive monitoring plan" means a schedule that describes both the frequency and appropriate locations for sampling of drinking water contaminants as required by state and federal rules.

"Comprehensive performance evaluation (CPE)" means a thorough review and analysis of a treatment plant's performance-based capabilities and associated administrative, operation and maintenance practices. The comprehensive performance evaluation must consist of at least the following components: Assessment of plant performance; evaluation of major unit processes; identification and prioritization of performance limiting factors; assessment of the applicability of comprehensive technical assistance; and preparation of a CPE report.

"Comprehensive technical assistance (CTA)" means technical assistance intended to identify specific steps that may help a water treatment plant overcome operational or design limitations identified during a comprehensive performance evaluation.

"Confirmation" means to demonstrate the accuracy of results of a sample by analyzing another sample from the same location within a reasonable period of time, generally not to exceed two weeks. Confirmation is when analysis results fall within plus or minus thirty percent of the original sample results.

"Confluent growth" means a continuous bacterial growth covering a portion or the entire filtration area of a membrane filter in which bacterial colonies are not discrete.

"Conservation program" means policies and activities implemented to encourage or cause efficient use of water on a long-term basis. Conservation programs shall include identification of the conservation objectives of the purveyor, evaluation of conservation measures considered, and identification of specific conservation measures identified for implementation.

"Construction completion report" means a form provided by the department and completed for each specific construction project to document:

- Project construction in accordance with this chapter and general standards of engineering practice;
- Physical capacity changes; and
- Satisfactory test results.

The completed form must be stamped with an engineer's seal, and signed and dated by a professional engineer.

"Consumer" means any person receiving water from a public water system from either the meter, or the point where the service line connects with the distribution system if no meter is present. For purposes of cross-connection control, "consumer" means the owner or operator of a water system connected to a public water system through a service connection.

"Consumer's water system," as used in WAC 246-290-490, means any potable and/or industrial water system that begins at the point of delivery from the public water system and is located on the consumer's premises. The consumer's water system includes all auxiliary sources of supply, storage, treatment, and distribution facilities, piping, plumbing, and fixtures under the control of the consumer.

"Contaminant" means a substance present in drinking water that may adversely affect the health of the consumer or the aesthetic qualities of the water.

"Contingency plan" means that portion of the wellhead protection program section of the water system plan or small water system management program that addresses the replacement of the major well(s) or wellfield in the event of loss due to ground water contamination.

"Continuous monitoring" means determining water quality with automatic recording analyzers that operate without interruption twenty-four hours per day.

"Conventional filtration treatment" means a series of processes including coagulation, flocculation, clarification, and filtration that together result in substantial particulate removal in compliance with Part 6 of this chapter.

"Critical water supply service area (CWSSA)" means a geographical area which is characterized by a proliferation of small, inadequate water systems, or by water supply problems which threaten the present or future water quality or

reliability of service in such a manner that efficient and orderly development may best be achieved through coordinated planning by the water utilities in the area.

"Cross-connection" means any actual or potential physical connection between a public water system or the consumer's water system and any source of nonpotable liquid, solid, or gas that could contaminate the potable water supply by backflow.

"Cross-connection control program" means the administrative and technical procedures the purveyor implements to protect the public water system from contamination via cross-connections as required in WAC 246-290-490.

"Cross-connection control specialist" means a person holding a valid CCS certificate issued in accordance with chapter 246-292 WAC.

"Cross-connection control summary report" means the annual report that describes the status of the purveyor's cross-connection control program.

"CT" or **"CTcalc"** means the product of "residual disinfectant concentration" (C) and the corresponding "disinfectant contact time" (T) i.e., "C" x "T."

"$CT_{99.9}$" means the CT value required for 99.9 percent (3 log) inactivation of *Giardia lamblia* cysts.

"CTreq" means the CT value a system shall provide to achieve a specific percent inactivation of *Giardia lamblia* cysts or other pathogenic organisms of health concern as directed by the department.

"Curtailment" means short-term, infrequent actions by a purveyor and its consumers to reduce their water use during or in anticipation of a water shortage.

"Dead storage" means the volume of stored water not available to all consumers at the minimum design pressure in accordance with WAC 246-290-230 (5) and (6).

"Demand forecast" means an estimate of future water system water supply needs assuming historically normal weather conditions and calculated using numerous parameters, including population, historic water use, local land use plans, water rates and their impacts on consumption, employment, projected conservation savings from implementation of a conservation program, and other appropriate factors.

"Department" means the Washington state department of health or health officer as identified in a joint plan of operation in accordance with WAC 246-290-030(1).

"Design and construction standards" means department design guidance and other peer reviewed documents generally accepted by the engineering profession as containing fundamental criteria for design and construction of water facility projects. Design and construction standards are comprised of performance and sizing criteria and reference general construction materials and methods.

"Diatomaceous earth filtration" means a filtration process for substantial removal of particulates (> 2 log *Giardia lamblia* cysts) in which:

A precoat cake of graded diatomaceous earth filter media is deposited on a support membrane (septum); and

Water is passed through the cake on the septum while additional filter media, known as body feed, is continuously added to the feed water to maintain the permeability of the filter cake.

"Direct filtration" means a series of processes including coagulation, flocculation, and filtration (but excluding sedimentation) that together result in substantial particulate removal in compliance with Part 6 of this chapter.

"Direct service connection" means a service hookup to a property that is contiguous to a water distribution main and where additional distribution mains or extensions are not needed to provide service.

"Disinfectant contact time (T in CT)" means: When measuring the first or only C, the time in minutes it takes water to move from the point of disinfectant application to a point where the C is measured; and

For subsequent measurements of C, the time in minutes it takes water to move from one C measurement point to the C measurement point for which the particular T is being calculated.

"Disinfection" means the use of chlorine or other agent or process the department approves for killing or inactivating microbiological organisms, including pathogenic and indicator organisms.

"Disinfection profile" means a summary of *Giardia lamblia* inactivation through a surface water treatment plant.

"Distribution coliform sample" means a sample of water collected from a representative location in the distribution system at or after the first service and analyzed for coliform presence in compliance with this chapter.

"Distribution-related projects" means distribution projects such as storage tanks, booster pump facilities, transmission mains, pipe linings, and tank coating. It does not mean source of supply (including interties) or water quality treatment projects.

"Distribution reservoir" means a water storage structure that is integrated with a water system's distribution network to provide for variable system demands including, but not limited to, daily equalizing storage, standby storage, or fire reserves, or to provide for disinfectant contact time.

"Distribution system" means all piping components of a public water system that serve to convey water from transmission mains linked to source, storage and treatment facilities to the consumer excluding individual services.

"Domestic or other nondistribution system plumbing problem," means contamination of a system having more than one service connection with the contamination limited to the specific service connection from which the sample was taken.

"Drinking water state revolving fund (DWSRF)" means the revolving loan program financed by the state and federal governments and managed by the state for the purpose of assisting water systems to meet their capital needs associated with complying with the federal Safe Drinking Water Act.

"Duplicate (verification) sample" means a second sample collected at the same time and location as the first sample and used for verification.

"Emergency" means an unforeseen event that causes damage or disrupts normal operations and requires immediate action to protect public health and safety.

"Emergency source" means any source that is approved by the department for emergency purposes only, is not used for routine or seasonal water demands, is physically disconnected, and is identified in the purveyor's emergency response plan.

"Engineering design review report" means a form provided by the department and completed for a specific distribution-related project to document:

• Engineering review of a project report and/or construction documents under the submittal exception process in accordance with WAC 246-290-125(3); and

• Design in accordance with this chapter and general standards of engineering practice.

The completed form must be stamped with engineer's seal, and signed and dated by a professional engineer.

"Equalizing storage" means the volume of storage needed to supplement supply to consumers when the peak hourly demand exceeds the total source pumping capacity.

"Equivalent residential unit (ERU)" means a system-specific unit of measure used to express the amount of water consumed by a typical full-time single family residence.

"Expanding public water system" means a public water system installing additions, extensions, changes, or alterations to their existing source, transmission, storage, or distribution facilities that will enable the system to increase in size its existing service area and/or its number of approved service connections. Exceptions:

A system that connects new approved individual retail or direct service connections onto an existing distribution system within an existing service area; or

A distribution system extension in an existing service area identified in a current and approved water system plan or project report.

"Filter profile" means a graphical representation of individual filter performance in a direct or conventional surface water filtration plant, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

"Filtration" means a process for removal of particulate matter from water by passage through porous media.

"Financial viability" means the capability of a water system to obtain sufficient funds to construct, operate, maintain, and manage a public water system, on a continuing basis, in full compliance with federal, state, and local requirements.

"Fire flow" means the maximum rate and duration of water flow needed to suppress a fire under WAC 246-293-640 or as required under local fire protection authority standards.

"Fire suppression storage" means the volume of stored water available during fire suppression activities to satisfy minimum pressure requirements per WAC 246-290-230.

"First consumer" means the first service connection associated with any source (i.e., the point where water is first withdrawn for human consumption, excluding connections where water is delivered to another water system covered by these regulations).

"Flocculation" means a process enhancing agglomeration and collection of colloidal and suspended particles into larger, more easily settleable or filterable particles by gentle stirring.

"Flow-through fire protection system" means a fire sprinkler system that:

Is supplied only by the purveyor's water;

Does not have a fire department pumper connection;

Is constructed of approved potable water piping and materials to which sprinkler heads are attached; and

Terminates at a connection to a toilet or other plumbing fixture to prevent the water from becoming stagnant.

"Grab sample" means a water quality sample collected at a specific instant in time and analyzed as an individual sample.

"Ground water under the direct influence of surface water (GWI)" means any water beneath the surface of the ground that the department determines has the following characteristics:

Significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as *Giardia lamblia* or for systems serving ten thousand people or more, *Cryptosporidium*; or

Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH closely correlating to climatological or surface water conditions where natural conditions cannot prevent the introduction of surface water pathogens into the source at the system's point of withdrawal.

"Guideline" means a department document assisting the purveyor in meeting a rule requirement.

"Health officer" means the health officer of the city, county, city-county health department or district, or an authorized representative.

"Heterotrophic Plate Count (HPC)" means a procedure to measure a class of bacteria that use organic nutrients for growth. The density of these bacteria in drinking water is measured as colony forming units per milliliter and is referred to as the HPC.

"High health cross-connection hazard" means a cross-connection which could impair the quality of potable water and create an actual public health hazard through poisoning or spread of disease by sewage, industrial liquids or waste.

"Human consumption" means the use of water for drinking, bathing or showering, hand washing, food preparation, cooking, or oral hygiene.

"Hydraulic analysis" means the study of a water system's distribution main and storage network to determine present or future adequacy for provision of service to consumers within the established design parameters for the system under peak flow conditions, including fire flow. The analysis is used to establish any need for improvements to existing systems or to substantiate adequacy of design for distribution system components such as piping, elevated storage, booster stations or similar facilities used to pump and convey water to consumers.

"Inactivation" means a process which renders pathogenic microorganisms incapable of producing disease.

"Inactivation ratio" means the ratio obtained by dividing CTcalc by CTreq.

"Incompletely treated water" means water from a surface or GWI source that receives filtration and/or disinfection treatment that does not fully comply with the treatment technique requirements of Part 6 of this chapter as determined by the department.

"In-line filtration" means a series of processes, including coagulation and filtration (but excluding flocculation and sedimentation) that together result in particulate removal.

"In-premises protection" means a method of protecting the health of consumers served by the consumer's potable water system, located within the property lines of the consumer's premises by the installation of an approved air gap or backflow prevention assembly at the point of hazard, which is generally a plumbing fixture.

"Intertie" means an interconnection between public water systems permitting the exchange or delivery of water between those systems.

"Legionella" means a genus of bacteria containing species which cause a type of pneumonia called Legionnaires' Disease.

"Limited alternative to filtration" means a process that ensures greater removal and/or inactivation efficiencies of pathogenic organisms than would be achieved by the combination of filtration and chlorine disinfection.

"Local administrative authority" means the local official, board, department, or agency authorized to administer and enforce the provisions of the Uniform Plumbing Code as adopted under chapter 19.27 RCW.

"Low health cross-connection hazard" means a cross-connection that could cause an impairment of the quality of potable water to a degree that does not create a hazard to the public health, but does adversely and unreasonably affect the aesthetic qualities of such potable waters for domestic use.

"Major project" means all construction projects subject to SEPA in accordance with WAC 246-03-030 (3)(a) and include all surface water source development, all water system storage facilities greater than one-half million gallons, new transmission lines longer than one thousand feet and larger than eight inches in diameter located in new rights of way and major extensions to existing water distribution systems involving use of pipes greater than eight inches in diameter, that are designed to increase the existing service area by more than one square mile.

"Mandatory curtailment" means curtailment required by a public water system of specified water uses and consumer classes for a specified period of time.

"Maximum contaminant level (MCL)" means the maximum permissible level of a contaminant in water the purveyor delivers to any public water system user, measured at the locations identified under WAC 246-290-300, Table 3.

"Maximum contaminant level violation" means a confirmed measurement above the MCL and for a duration of time, where applicable, as outlined under WAC 246-290-310.

"Maximum day demand (MDD)" means the highest actual or estimated quantity of water that is, or is expected to be, used over a twenty-four hour period, excluding unusual events or emergencies. MDD is typically expressed as gallons per day per ERU (gpd/ERU).

"Monitoring waiver" means an action taken by the department under WAC 246-290-300 (4)(g) or (7)(f) to allow a water system to reduce specific monitoring requirements based on a determination of low source vulnerability to contamination.

"Nested storage" means one component of storage is contained within the component of another.

"Nonacute" means posing a possible or less than immediate risk to human health.

"Nonresident" means a person having access to drinking water from a public water system, but who lives elsewhere. Examples include travelers, transients, employees, students, etc.

"Normal operating conditions" means those conditions associated with the designed, day-to-day provision of potable drinking water that meets regulatory water quality standards and the routine service expectations of the system's consumers at all times, including meeting fire flow demands. Operation under conditions such as power outages, floods, or unscheduled transmission or distribution disruptions, even if considered in the system design, are considered abnormal.

"Operational storage" means the volume of distribution storage associated with source or booster pump normal cycling times under normal operating conditions and is additive to the equalizing and standby storage components, and to fire flow storage if this storage component exists for any given tank.

"Peak hourly demand (PHD)" means the maximum rate of water use, excluding fire flow, that can be expected to occur within a defined service area over a continuous sixty minute time period. PHD is typically expressed in gallons per minute (gpm).

"Peak hourly flow" means, for the purpose of CT calculations, the greatest volume of water passing through the system during any one hour in a day.

"Performance criteria" means the level at which a system shall operate in order to maintain system reliability compliance, in accordance with WAC 246-290-420, and to meet consumers' reasonable expectations.

"Permanent residence" means any dwelling that is, or could reasonably be expected to be, occupied on a continuous basis.

"Permanent source" means a public water system supply source that is used regularly each year, and based on expected operational requirements of the system, will be used more than three consecutive months in any twelve-month period. For seasonal water systems that are in operation for less than three consecutive months per year, their sources shall also be considered to be permanent.

"Point of disinfectant application" means the point where the disinfectant is added, and where water downstream of that point is not subject to contamination by untreated surface water.

"Population served" means the number of persons, resident and nonresident, having immediate access to drinking water from a public water system, whether or not such persons have actually consumed water from that system. The number of nonresidents shall be the average number of persons having immediate access to drinking water on days access was provided during that month. In the absence of specific population data, the number of residents shall be computed by multiplying the number of active services by two and one-half.

"Potable" means water suitable for drinking by the public.

"Potential GWI" means a source identified by the department as possibly under the influence of surface water, and includes, but is not limited to, all wells with a screened

interval fifty feet or less from the ground surface at the wellhead and located within two hundred feet of a surface water, and all Ranney wells, infiltration galleries, and springs.

"Premises isolation" means a method of protecting a public water system by installation of approved air gaps or approved backflow prevention assemblies at or near the service connection or alternative location acceptable to the purveyor to isolate the consumer's water system from the purveyor's distribution system.

"Pressure filter" means an enclosed vessel containing properly sized and graded granular media through which water is forced under greater than atmospheric pressure.

"Primary disinfection" means a treatment process for achieving inactivation of *Giardia lamblia* cysts, viruses, or other pathogenic organisms of public health concern to comply with the treatment technique requirements of Part 6 of this chapter.

"Primary standards" means standards based on chronic, nonacute, or acute human health effects.

"Primary turbidity standard" means an accurately prepared formazin solution or commercially prepared polymer solution of known turbidity (prepared in accordance with "standard methods") that is used to calibrate bench model and continuous turbidimeters (instruments used to measure turbidity).

"Project approval application (PAA)" means a department form documenting ownership of water system, design engineer for the project, and type of project.

"Protected ground water source" means a ground water source the purveyor shows to the department's satisfaction as protected from potential sources of contamination on the basis of hydrogeologic data and/or satisfactory water quality history.

"Public water system" is defined and referenced under WAC 246-290-020.

"Purchased source" means water a purveyor purchases from a public water system not under the control of the purveyor for distribution to the purveyor's consumers.

"Purveyor" means an agency, subdivision of the state, municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or other entity owning or operating a public water system. Purveyor also means the authorized agents of such entities.

"Reclaimed water" means effluent derived in any part from sewage from a wastewater treatment system that has been adequately and reliably treated, so that as a result of that treatment, it is suitable for beneficial use or a controlled use that would not otherwise occur, and it is no longer considered wastewater.

"Record drawings" means the drawings bearing the seal and signature of a professional engineer that reflect the modifications made to construction documents, documenting actual constructed conditions of the water system facilities.

"Recreational tract" means an area that is clearly defined for each occupant, but has no permanent structures with internal plumbing, and the area has been declared as such in the covenants or on the recorded plat in order to be eligible for reduced design considerations.

"Regional public water supplier" means a water system that provides drinking water to one, or more, other public water systems.

"Regularly" means four hours or more per day for four days or more per week.

"Removal credit" means the level (expressed as a percent or log) of *Giardia* and virus removal the department grants a system's filtration process.

"Repeat sample" means a sample collected to confirm the results of a previous analysis.

"Resident" means an individual living in a dwelling unit served by a public water system.

"Residual disinfectant concentration" means the analytical level of a disinfectant, measured in milligrams per liter, that remains in water following the application (dosing) of the disinfectant after some period of contact time.

"Same farm" means a parcel of land or series of parcels that are connected by covenants and devoted to the production of livestock or agricultural commodities for commercial purposes and does not qualify as a **Group A** public water system.

"Sanitary survey" means a review, inspection, and assessment of a public water system by the department or department designee including, but not limited to: Source, facilities, equipment, administration and operation, maintenance procedures, monitoring, recordkeeping, planning documents and schedules, and management practices. The purpose of the survey is to evaluate the adequacy of the water system for producing and distributing safe and adequate drinking water.

"Satellite management agency (SMA)" means a person or entity that is approved by the department to own or operate public water systems on a regional or county-wide basis without the necessity for a physical connection between such systems.

"Seasonal source" means a public water system source used on a regular basis, that is not a permanent or emergency source.

"Secondary standards" means standards based on factors other than health effects.

"Service connection" means a connection to a public water system designed to provide potable water to a single family residence, or other residential or nonresidential population. When the connection provides water to a residential population without clearly defined single family residences, the following formulas shall be used in determining the number of services to be included as residential connections on the WFI form:

Divide the average population served each day by two and one-half; or

Using actual water use data, calculate the total ERUs represented by the service connection in accordance with department design guidance.

In no case shall the calculated number of services be less than one.

"Significant noncomplier" means a system that is violating or has violated department rules, and the violations may create, or have created an imminent or a significant risk to human health. Such violations include, but are not limited to, repeated violations of monitoring requirements, failure to address an exceedance of permissible levels of regulated contaminants, or failure to comply with treatment technique standards or requirements.

"Simple disinfection" means any form of disinfection that requires minimal operational control in order to maintain the disinfection at proper functional levels, and that does not pose safety concerns that would require special care, equipment, or expertise. Examples include hypochlorination, UV-light, contactor chlorination, or any other form of disinfection practice that is safe to use and easy to routinely operate and maintain.

"Slow sand filtration" means a process involving passage of source water through a bed of sand at low velocity (generally less than 0.10 gpm/ft^2) that results in substantial particulate removal (> 2 log *Giardia lamblia* cysts) by physical and biological mechanisms.

"Source meter" means a meter that measures total output of a water source over specific time periods.

"Source water" means untreated water that is not subject to recontamination by surface runoff and:

For unfiltered systems, enters the system immediately before the first point of disinfectant application; and

For filtered systems, enters immediately before the first treatment unit of a water treatment facility.

"Special purpose investigation (SPI)" means on-site inspection of a public water system by the department or designee to address a potential public health concern, regulatory violation, or consumer complaint.

"Special purpose sample" means a sample collected for reasons other than the monitoring compliance specified in this chapter.

"Spring" means a source of water where an aquifer comes in contact with the ground surface.

"Standard methods" means the 18th edition of the book, titled *Standard Methods for the Examination of Water and Waste Water,* jointly published by the American Public Health Association, American Water Works Association (AWWA), and Water Pollution Control Federation. This book is available through public libraries or may be ordered from AWWA, 6666 West Quincy Avenue, Denver, Colorado 80235.

"Standby storage" means the volume of stored water available for use during a loss of source capacity, power, or similar short-term emergency.

"State advisory level (SAL)" means a level established by the department and state board of health for a contaminant without an existing MCL. The SAL represents a level that when exceeded, indicates the need for further assessment to determine if the chemical is an actual or potential threat to human health.

"State board of health" and **"board"** means the board created by RCW 43.20.030.

"Subpart H System" see definition for **"surface water system."**

"Surface water" means a body of water open to the atmosphere and subject to surface runoff.

"Surface water system" means a public water system that uses in whole, or in part, source water from a surface supply, or ground water under the direct influence of surface water (GWI) supply. This includes systems that operate surface water treatment facilities, and systems that purchase "completely treated water" (as defined in this subsection). A "surface water system" is also referred to as a "Subpart H System" in some federal regulatory language adopted by reference and the two terms are considered equivalent for the purposes of this chapter.

"Susceptibility assessment" means the completed Susceptibility Assessment Survey Form developed by the department to evaluate the hydrologic setting of the water source and assess its contribution to the source's overall susceptibility to contamination from surface activities.

"Synthetic organic chemical (SOC)" means a manufactured carbon-based chemical.

"System capacity" means the system's operational, technical, managerial, and financial capability to achieve and maintain compliance with all relevant local, state, and federal plans and regulations.

"System physical capacity" means the maximum number of service connections or equivalent residential units (ERUs) that the system can serve when considering the limitation of each system component such as source, treatment, storage, transmission, or distribution, individually and in combination with each other.

"Time-of-travel" means the time required for ground water to move through the water bearing zone from a specific point to a well.

"Too numerous to count (TNTC)" means the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

"Tracer study" means a field study conducted to determine the disinfectant contact time, T, provided by a water system component, such as a clearwell or storage reservoir, used for *Giardia lamblia* cyst and virus inactivation. The study involves introducing a tracer chemical at the inlet of the contact basin and measuring the resulting outlet tracer concentration as a function of time.

"Transmission line" means pipes used to convey water from source, storage, or treatment facilities to points of distribution or distribution mains, and from source facilities to treatment or storage facilities. This also can include transmission mains connecting one section of distribution system to another section of distribution system as long as this transmission main is clearly defined as such on the plans and no service connections are allowed along the transmission main.

"Treatment technique requirement" means a department-established requirement for a public water system to provide treatment, such as filtration or disinfection, as defined by specific design, operating, and monitoring requirements. A "treatment technique requirement" is established in lieu of a primary MCL when monitoring for the contaminant is not economically or technologically feasible.

"Trihalomethane (THM)" means one of a family of organic compounds, named as derivatives of methane, where three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure. THMs may occur when chlorine, a halogen, is added to water containing organic material and are generally found in water samples as disinfection by-products.

"Turbidity event" means a single day or series of consecutive days, not to exceed fourteen, when one or more turbidity measurement each day exceeds 5 NTU.

"T10" means the time it takes ten percent of the water passing through a system contact tank intended for use in the inactivation of *Giardia lamblia* cysts, viruses, and other microorganisms of public health concern, as determined from

a tracer study conducted at peak hourly flow or from published engineering reports or guidance documents for similarly configured tanks.

"Unapproved auxiliary water supply" means a water supply (other than the purveyor's water supply) on or available to the consumer's premises that is either not approved for human consumption by the health agency having jurisdiction or is not otherwise acceptable to the purveyor.

"Uncovered distribution reservoir" means a distribution reservoir that is open, without a suitable water-tight roof or cover, where the potable water supply is exposed to external contaminants, including but not limited to people, birds, animals, and insects and will undergo no further treatment except for residual disinfection.

"Uniform Plumbing Code" means the code adopted under RCW 19.27.031(4) and amended under chapter 51-46 WAC. This code establishes statewide minimum plumbing standards applicable within the property lines of the consumer's premises.

"Used water" means water which has left the control of the purveyor.

"Verification" means to demonstrate the results of a sample to be precise by analyzing a duplicate sample. Verification occurs when analysis results fall within plus or minus thirty percent of the original sample.

"Virus" means a virus of fecal origin which is infectious to humans and transmitted through water.

"Volatile organic chemical (VOC)" means a manufactured carbon-based chemical that vaporizes quickly at standard pressure and temperature.

"Voluntary curtailment" means a curtailment of water use requested, but not required of consumers.

"Waterborne disease outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with drinking water from a public water system, as determined by the appropriate local health agency or the department.

"Water facilities inventory (WFI) form" means the department form summarizing each public water system's characteristics.

"Water right" means a permit, claim, or other authorization, on record with or accepted by the department of ecology, authorizing the beneficial use of water in accordance with all applicable state laws.

"Water right assessment" means an evaluation of the legal ability of a water system to use water for existing or proposed usages in conformance with state water right laws. Such an assessment may be done by a water system, a purveyor, the department of ecology, or any combination thereof.

"Watershed" means the region or area that:

Ultimately drains into a surface water source diverted for drinking water supply; and

Affects the physical, chemical, microbiological, and radiological quality of the source.

"Water shortage" means a situation during which the water supplies of a system cannot meet normal water demands for the system, including peak periods.

"Water shortage response plan" means a plan outlining policies and activities to be implemented to reduce water use on a short-term basis during or in anticipation of a water shortage.

"Well field" means a group of wells one purveyor owns or controls that:

Draw from the same aquifer or aquifers as determined by comparable inorganic chemical analysis and comparable static water level and top of the open interval elevations; and

Discharge water through a common pipe and the common pipe shall allow for collection of a single sample before the first distribution system connection.

"Wellhead protection area (WHPA)" means the portion of a well's, wellfield's or spring's zone of contribution defined as such using WHPA criteria established by the department.

"Zone of contribution" means the area surrounding a pumping well or spring that encompasses all areas or features that supply ground water recharge to the well or spring.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-010, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-010, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 94-14-001, § 246-290-010, filed 6/22/94, effective 7/23/94; 93-08-011 (Order 352B), § 246-290-010, filed 3/25/93, effective 4/25/93; 92-04-070 (Order 241B), § 246-290-010, filed 2/4/92, effective 3/6/92. Statutory Authority: Chapter 43.20 RCW. 91-07-031 (Order 150B), § 246-290-010, filed 3/15/91, effective 4/15/91. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-290-010, filed 12/27/90, effective 1/31/91. Statutory Authority: P.L. 99-339. 89-21-020 (Order 336), § 248-54-015, filed 10/10/89, effective 11/10/89. Statutory Authority: RCW 34.04.045. 88-05-057 (Order 307), § 248-54-015, filed 2/17/88. Statutory Authority: RCW 43.20.050. 83-19-002 (Order 266), § 248-54-015, filed 9/8/83.]

WAC 246-290-025 Adoption by reference. The following sections and subsections of Title 40 Code of Federal Regulations (CFR) Part 141 National Primary Drinking Water Regulations revised as of July 1, 2002, and including all amendments and modifications thereto effective as of the date of adoption of this chapter are adopted by reference:

141.2 Definitions. Only those definitions listed as follows:

Action level;
Corrosion inhibitor;
Effective corrosion inhibitor residual;
Enhanced coagulation;
Enhanced softening;
Granular activated carbon (GAC10);
Haloacetic acids (five) (HAA5);
First draw sample;
Large water system;
Lead service line;
Maximum residual disinfectant level (MRDL);
Maximum residual disinfectant level goal (MRDLG);
Medium-size water system;
Optimal corrosion control treatment;
Service line sample;
Single family structure;
Small water system;
Specific ultraviolet absorption (SUVA); and
Total Organic Carbon (TOC).

141.12 Maximum contaminant levels for organic chemicals.
141.13 Maximum contaminant levels for turbidity.
141.21 Coliform monitoring.

141.22	Turbidity sampling and analytical requirements.
141.23(a) - 141.23(m) -	141.23(j), Inorganic chemical sampling. 141.23(o)
141.24(a) -	141.24(d), Organic chemicals other than total trihalomethanes.
141.24 (f)(1) - 141.24 (f)(15), 141.24 (f)(18), 141.24 (f)(19), 141.24 (f)(21), 141.24 (g)(1) - 141.24 (g)(9), 141.24 (g)(12) - 141.24 (g)(14), 141.24 (h)(1) - 141.24 (h)(11), 141.24 (h)(14) - 141.24 (h)(17)	
141.25(a),	141.25 (c) - (d), Analytical methods for radioactivity.
141.26	Monitoring frequency and compliance for radioactivity in community water systems.
141.31(d)	Reporting of public notices and compliance certifications.
141.33(e)	Record maintenance of public notices and certifications.
141.40(a) - 141.40(g), 141.40(i) - 141.40(n)	141.40(e), Special monitoring for inorganic and organic chemicals.
141.61	Maximum contaminant levels for organic contaminants.
141.62	Maximum contaminant levels for inorganic chemical and physical contaminants.
141.64(c)	Best Available Technologies (BATs) for Disinfection By-Products.
141.65(c)	Best Available Technologies (BATs) for Maximum Residual Disinfectant Levels.
141.66	Maximum contaminant levels for radionuclides.
Control of Lead and Copper	
141.80	General requirements.
141.81	Applicability of corrosion control treatment steps to small, medium-size and large water systems.
141.82(a) -	141.82(h) Description of corrosion control treatment requirements.
141.83	Source water treatment requirements.
141.84	Lead service line replacement requirements.
141.85	Public education and supplemental monitoring requirements.
141.86 (a) - (f)	Monitoring requirements for lead and copper in tap water.
141.87	Monitoring requirements for water quality parameters.
141.88	Monitoring requirements for lead and copper in source water.
141.89	Analytical methods for lead and copper testing.
141.90, excluding (a)(4)	Reporting requirements.
141.91	Recordkeeping requirements.
Disinfectants and Disinfection By-Products (D/DBP)	
141.130	General requirements.
141.131	Analytical requirements.
141.132	Monitoring requirements.
141.133	Compliance.
141.134	Reporting and recordkeeping.
141.135	Treatment technique for control of disinfection by-product precursors.
Enhanced Filtration - Reporting and Recordkeeping	
141.175(b)	Individual filter reporting and follow-up action requirements for systems treating surface water with conventional, direct, or in-line filtration and serving at least 10,000 people.
141.201, excluding (3)(ii) of Table 1	General public notification requirements.
141.202, excluding (3) of Table 1	Tier 1 Public Notice - Form, manner, and frequency of notice.
141.203	Tier 2 Public Notice - Form, manner, and frequency of notice.
141.204	Tier 3 Public Notice - Form, manner, and frequency of notice.
141.205	Content of the public notice.
141.206	Notice to new billing units or new customers.
141.207	Special notice of the availability of unregulated contaminant monitoring results.
141.208	Special notice for exceedances of the SMCL for fluoride.
Subpart Q - Public Notification Rule, Appendix A and B	
143.1 - 143.4	Secondary contaminants.

Copies of the incorporated sections and subsections of Title 40 CFR are available from the Department of Health, Airdustrial Center Building 3, P.O. Box 47822, Olympia, Washington 98504-7822, or by calling the department's drinking water hotline at 1-800-521-0323.

[Statutory Authority: RCW 43.20.050 (2) and (3) and RCW 70.119A.080. 03-08-037, § 246-290-025, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-025, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 94-14-001, § 246-290-025, filed 6/22/94, effective 7/23/94.]

WAC 246-290-060 Variances, exemptions, and waivers. (1) General.

(a) The state board of health may grant variances, exemptions, and waivers of the requirements of this chapter according to the procedures outlined in subsection (5) of this section. See WAC 246-290-300 (4)(g) and (8)(f) for monitoring waivers.

(b) Consideration by the board of requests for variances, exemptions, and waivers shall not be considered adjudicative proceedings as that term is defined in chapter 34.05 RCW.

(c) Statements and written material regarding the request may be presented to the board at or before the public hearing where the application will be considered. Allowing cross-examination of witnesses shall be within the discretion of the board.

(d) The board may grant a variance, exemption, or waiver if it finds:

(i) Due to compelling factors, the public water system is unable to comply with the requirements; and

(ii) The granting of the variance, exemption, or waiver will not result in an unreasonable risk to the health of consumers.

(2) Variances.

(a) MCL.

(i) The board may grant a MCL variance to a public water system that cannot meet the MCL requirements because of characteristics of the source water that is reasonably available to the system.

(ii) A MCL variance may only be granted in accordance with 40 CFR 141.4.

(iii) A variance shall not be granted from the MCL for presence of total coliform under WAC 246-290-310(2).

(b) Treatment techniques.

(i) The board may grant a treatment technique variance to a public water system if the system demonstrates that the treatment technique is not necessary to protect the health of consumers because of the nature of the system's source water.

(ii) A treatment technique variance granted in accordance with 40 CFR 141.4.

(iii) A variance shall not be granted from any treatment technique requirement under Part 6 of chapter 246-290 WAC.

(c) The board shall condition the granting of a variance upon a compliance schedule as described in subsection (6) of this section.

(3) Exemptions.

(a) The board may grant a MCL or treatment technique exemption to a public water system that cannot meet an MCL standard or provide the required treatment in a timely manner, or both, in accordance with 40 CFR 141.4.

(b) No exemption shall be granted from:

(i) The requirement to provide a residual disinfectant concentration in the water entering the distribution system under WAC 246-290-662 or 246-290-692; or

(ii) The MCL for presence of total coliform under WAC 246-290-310(2).

(c) The board shall condition the granting of an exemption upon a compliance schedule as described in subsection (6) of this section.

(4) Waivers. The board may grant a waiver to a public water system if the system cannot meet the requirements of these regulations pertaining to any subject not covered by EPA variance and/or exemption regulations.

(5) Procedures.

(a) For variances and exemptions. The board shall consider granting a variance or exemption to a public water system in accordance with 40 CFR 141.4.

(b) For waivers. The board shall consider granting a waiver upon completion of the following actions:

(i) The purveyor applies to the department in writing. The application, which may be in the form of a letter, shall clearly state the reason for the request;

(ii) The purveyor provides notice of the purveyor's application to consumers and provides proof of the notice to the department;

(iii) The department prepares a recommendation to the board; and

(iv) The board provides notice for and conducts a public hearing on the purveyor's request.

(6) Compliance schedule.

(a) The board shall condition the granting of a variance or exemption based on a compliance schedule. The compliance schedule shall include:

(i) Actions the purveyor shall undertake to comply with a MCL or treatment technique requirement within a specified time period; and

(ii) A description and time-table for implementation of interim control measures the department may require while the purveyor completes the actions required in (a)(i) of this subsection.

(b) The purveyor shall complete the required actions in the compliance schedule within the stated time frame.

(7) Extensions to variances and exemptions.

(a) The board may extend the final date of compliance prescribed in the compliance schedule for a variance and/or exemption in accordance with 40 CFR 141.4.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-060, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-060, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 94-14-001, § 246-290-060, filed 6/22/94, effective 7/23/94; 93-08-011 (Order 352B), § 246-290-060, filed 3/25/93, effective 4/25/93; 91-02-051 (Order 124B), recodified as § 246-290-060, filed 12/27/90, effective 1/31/91. Statutory Authority: P.L. 99-339. 89-21-020 (Order 336), § 248-54-055, filed 10/10/89, effective 11/10/89. Statutory Authority: RCW 34.04.045. 88-05-057 (Order 307), § 248-54-055, filed 2/17/88. Statutory Authority: RCW 43.20.050. 83-19-002 (Order 266), § 248-54-055, filed 9/8/83.]

WAC 246-290-100 Water system plan. (1) The purpose of this section is to establish a uniform process for purveyors to:

(a) Demonstrate the system's operational, technical, managerial, and financial capability to achieve and maintain compliance with relevant local, state, and federal plans and regulations;

(b) Demonstrate how the system will address present and future needs in a manner consistent with other relevant plans and local, state, and federal laws, including applicable land use plans;

(c) Establish eligibility for funding under the drinking water state revolving fund (SRF).

(2) Purveyors of the following categories of community public water systems shall submit a water system plan for review and approval by the department:

(a) Systems having one thousand or more services;

(b) Systems required to develop water system plans under the Public Water System Coordination Act of 1977 (chapter 70.116 RCW);

(c) Any system experiencing problems related to planning, operation, and/or management as determined by the department;

(d) All new systems;

(e) Any expanding system; and

(f) Any system proposing to use the document submittal exception process in WAC 246-290-125.

(3) The purveyor shall work with the department and other parties to establish the level of detail for a water system plan. In general, the scope and detail of the plan will be related to size, complexity, past performance, and use of the water system. Project reports may be combined with a water system plan.

(4) In order to demonstrate system capacity, the water system plan shall address the following elements, as a minimum, for a period of at least twenty years into the future:

(a) Description of the water system, including:

(i) Ownership and management, including the current names, addresses, and telephone numbers of the owners, operators, and emergency contact persons for the system;

(ii) System history and background;

(iii) Related plans, such as coordinated water system plans, abbreviated coordinated water system plans, local land use plans, ground water management plans, and basin plans;

(iv) Service area map, characteristics, agreements, and policies; and

(v) Satellite management, if applicable.

(b) Basic planning data, including:

(i) Current population, service connections, water use, and equivalent residential units; and

(ii) Projected land use, future population, and water demand for a consecutive six-year and final twenty-year planning period within the system's service area.

(c) System analysis, including:

(i) System design standards;

(ii) Water quality analysis;

(iii) System inventory description and analysis; and

(iv) Summary of system deficiencies.

(d) Water resource analysis, including:

(i) Development and implementation of a cost-effective conservation program, which includes evaluation of conservation-oriented water rate structures;

(ii) Water demand forecasts;

(iii) Water use data collection;

(iv) Source of supply analysis, which includes an evaluation of water supply alternatives if additional water rights will be pursued within twenty years;

(v) Water shortage response plan if a water system experiences a water shortage, or anticipates it will experience a water shortage within the next six-year planning period;

(vi) Water right assessment;

(vii) Water supply reliability analysis; and

(viii) Interties.

(e) Source water protection in accordance with WAC 246-290-135.

(f) Operation and maintenance program in accordance with WAC 246-290-415 and 246-290-654(5), as applicable.

(g) Improvement program, including a six-year capital improvement schedule.

(h) Financial program, including demonstration of financial viability by providing:

(i) A summary of past income and expenses;

(ii) A one-year balanced operational budget for systems serving one thousand or more connections or a six-year balanced operational budget for systems serving less than one thousand connections;

(iii) A plan for collecting the revenue necessary to maintain cash flow stability and to fund the capital improvement program and emergency improvements; and

(iv) A rate structure that has considered:

(A) The affordability of water rates; and

(B) The feasibility of adopting and implementing a rate structure that encourages water conservation.

(i) Other documents, such as:

(i) Documentation of SEPA compliance;

(ii) Agreements; and

(iii) Comments from the county and adjacent utilities.

(5) Purveyors intending to implement the project report and construction document submittal exceptions authorized under WAC 246-290-125 must include:

(a) Standard construction specifications for distribution mains; and/or

(b) Design and construction standards for distribution-related projects, including:

(i) Description of project report and construction document internal review procedures, including engineering design review and construction completion reporting requirements;

(ii) Construction-related policies and requirements for external parties, including consumers and developers;

(iii) Performance and sizing criteria; and

(iv) General reference to construction materials and methods.

(6) The department, at its discretion, may require reports from purveyors identifying the progress in developing their water system plans.

(7) Purveyors shall transmit water system plans to adjacent utilities and local governments having jurisdiction, to assess consistency with ongoing and adopted planning efforts.

(8) For community systems, the purveyor shall hold an informational meeting for system consumers prior to departmental approval of a water system plan or a water system plan update. The purveyor shall notify consumers in a way that is appropriate to the size of the system.

(9) Department approval of a water system plan shall be in effect for six years from the date of written approval unless:

(a) Major projects subject to SEPA as defined in WAC 246-03-030 (3)(a) are proposed that are not addressed in the plan;

(b) Changes occur in the basic planning data significantly affecting system improvements identified; or

(c) The department requests an updated plan or plan amendment.

(10) The purveyor shall update the plan and submit it for approval at least every six years. If the system no longer meets the conditions of subsection (2) of this section, the purveyor shall as directed by the department, submit either a plan amendment the scope of which will be determined by the department, or a small water system management program under WAC 246-290-105.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-100, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-100, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 94-14-001, § 246-290-100, filed 6/22/94, effective 7/23/94; 93-08-011 (Order 352B), § 246-290-100, filed 3/25/93, effective 4/25/93; 91-02-051 (Order 124B), recodified as § 246-290-100, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 34.04.045. 88-05-057 (Order 307), § 248-54-065, filed 2/17/88. Statutory Authority: RCW 43.20.050. 83-19-002 (Order 266), § 248-54-065, filed 9/8/83.]

WAC 246-290-105 Small water system management program. (1) The purpose of a small water system management program is to:

(a) Demonstrate the system's operational, technical, managerial, and financial capability to achieve and maintain compliance with all relevant local, state, and federal plans and regulations; and

(b) Establish eligibility for funding under the drinking water state revolving fund (SRF).

(2) All noncommunity and all community systems not required to complete a water system plan as described under WAC 246-290-100(2) shall develop and implement a small water system management program.

(3) The purveyor shall submit this program for review and approval to the department when:

(a) A new NTNC public water system is created; or

(b) An existing system has operational, technical, managerial, or financial problems, as determined by the department.

(4) Content and detail shall be consistent with the size, complexity, past performance, and use of the public water system. General content topics shall include, but not be limited to, the following elements:

(a) System management;

(b) Annual operating permit;

(c) Water facilities inventory form;

(d) Service area and facility map;

(e) Documentation of water rights, through a water right assessment;

(f) Record of source water pumped;

(g) Water usage;

(h) Water conservation program;

(i) Source protection;

(j) Component inventory and assessment;

(k) List of planned system improvements;

(l) Water quality monitoring program;

(m) Operation and maintenance program;

(n) Cross-connection control program;

(o) Emergency response plan; and

(p) Budget.

(5) The department may require changes be made to a small water system management program if necessary to effectively accomplish the program's purpose.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-105, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-105, filed 3/9/99, effective 4/9/99.]

WAC 246-290-125 Project report and construction document submittal exceptions. (1) The following projects do not require project reports in accordance with WAC 246-290-110 and construction documents in accordance with WAC 246-290-120 to be submitted to the department for review and approval prior to installation:

(a) Installation of valves, fittings, and meters, including backflow prevention assemblies;

(b) Installation of hydrants in accordance with WAC 246-290-230 (3) and (6);

(c) Repair of a system component or replacement with a component of a similar capacity and material in accordance with the original construction specifications of the approved design; or

(d) Maintenance or painting of surfaces not contacting potable water.

(2) Purveyors may elect to not submit to the department for review and approval project reports in accordance with WAC 246-290-110 and construction documents in accordance with WAC 246-290-120 for new distribution mains if:

(a) The purveyor has on file with the department a current department-approved water system plan that includes standard construction specifications for distribution mains; and

(b) The purveyor maintains on file a completed construction completion report (departmental form) in accordance with WAC 246-290-120(5) and makes it available for review upon request by the department.

(3) Purveyors may elect to not submit to the department for review and approval project reports in accordance with WAC 246-290-110 and construction documents in accordance with WAC 246-290-120 for review and approval of other distribution-related projects as defined in WAC 246-290-010 providing:

(a) The purveyor has on file with the department a current department-approved water system plan, in accordance with WAC 246-290-100(5);

(b) The purveyor submits a written request with a new water system plan or an amendment to a water system plan, and updates the request with each water system plan update. The written request should specifically identify the types of projects or facilities for which the submittal exception procedure is requested;

(c) The purveyor has documented that they have employed or hired under contract the services of a professional engineer licensed in the state of Washington to review distribution-related projects not submitted to the department for review and approval. The review engineer and design engineer shall not be the same individual. The purveyor shall provide written notification to the department whenever they propose to change their designated review engineer;

(d) If the project is a new transmission main, storage tank, or booster pump station, it must be identified in the capital improvement program of the utility's water system plan. If not, either the project report must be submitted to the department for review and approval, or the water system plan must be amended;

(e) A project summary file is maintained by the purveyor for each project and made available for review upon request by the department, and includes:

(i) Descriptive project summary;

(ii) Anticipated completion schedule;

(iii) Consistency with utility's water system plan;

(iv) Water right assessment, where applicable;

(v) Change in system physical capacity;

(vi) Copies of original design and record drawings;

(vii) Engineering design review report (departmental form). The form shall:

(A) Bear the seal, date, and signature of a professional engineer licensed in the state of Washington prior to the start of construction;

(B) Provide a descriptive reference to completed project report and/or construction documents reviewed, including date of design engineer's seal and signature; and

(C) State the project report and/or construction documents have been reviewed, and the design is in accordance

with department regulations and principles of standard engineering practice;

(f) The construction completion report is submitted to the department in accordance with WAC 246-290-120(5) for new storage tanks and booster pump stations, and maintained on file with the water system for all other distribution-related projects;

(g) A WFI is completed in accordance with WAC 246-290-120(6); and

(h) The purveyor meets the requirements of chapter 246-294 WAC to have a category "green" operating permit.

(4) Source of supply (including interties) and water quality treatment-related projects shall not be eligible for the submittal exception procedure.

(5) Purveyors not required to prepare a water system plan under WAC 246-290-100 shall be eligible for the submittal exception procedure if the purveyor:

(a) Has a department-approved water system plan meeting the requirements of WAC 246-290-100; and

(b) Complies with all other requirements in this section.

(6) Ensures that all work required to be prepared under the direction of a professional engineer be accomplished per WAC 246-290-040 and chapter 18.43 RCW.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-125, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-125, filed 3/9/99, effective 4/9/99.]

WAC 246-290-220 Drinking water materials and additives. (1) All materials shall conform to the ANSI/NSF Standard 61 if in substantial contact with potable water supplies. For the purposes of this section, "substantial contact" means the elevated degree that a material in contact with water may release leachable contaminants into the water such that levels of these contaminants may be unacceptable with respect to either public health or aesthetic concerns. It should take into consideration the total material/water interface area of exposure, volume of water exposed, length of time water is in contact with the material, and level of public health risk. Examples of water system components that would be considered to be in "substantial contact" with drinking water are filter media, storage tank interiors or liners, distribution piping, membranes, exchange or adsorption media, or other similar components that would have high potential for contacting the water. Materials associated with components such as valves, pipe fittings, debris screens, gaskets, or similar appurtenances would not be considered to be in substantial contact.

(2) Materials or additives in use prior to the effective date of these regulations that have not been listed under ANSI/NSF Standard 60 or 61 may be used for their current applications until the materials are scheduled for replacement, or that stocks of existing additives are depleted and scheduled for reorder.

(3) Any treatment chemicals, with the exception of commercially retailed hypochlorite compounds such as unscented Clorox, Purex, etc., added to water intended for potable use must comply with ANSI/NSF Standard 60. The maximum application dosage recommendation for the product certified by the ANSI/NSF Standard 60 shall not be exceeded in practice.

(4) Any products used to coat, line, seal, patch water contact surfaces or that have substantial water contact within the collection, treatment, or distribution systems must comply with the appropriate ANSI/NSF Standard 60 or 61. Application of these products must comply with recommendations contained in the product certification.

(5) The department may accept continued use of, and proposals involving, certain noncertified chemicals or materials on a case-by-case basis, if all of the following criteria are met:

(a) The chemical or material has an acknowledged and demonstrable history of use in the state for drinking water applications;

(b) There exists no substantial evidence that the use of the chemical or material has caused consumers to register complaints about aesthetic issues, or health related concerns, that could be associated with leachable residues from the material; and

(c) The chemical or material has undergone testing through a protocol acceptable to the department and has been found to not contribute leachable compounds into drinking water at levels that would be of public health concern.

(6) Any pipe, pipe fittings, fittings, fixtures, solder, or flux used in the installation or repair of a public water system shall be lead-free:

(a) This prohibition shall not apply to leaded joints necessary for the repair of cast iron pipes; and

(b) Within the context of this section, lead-free shall mean:

(i) No more than eight percent lead in pipes and pipe fittings;

(ii) No more than two-tenths of one percent lead in solder and flux; and

(iii) Fittings and fixtures that are in compliance with standards established in accordance with 42 USC 300g-6(e).

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-220, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-220, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-290-220, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 34.04.045. 88-05-057 (Order 307), § 248-54-131, filed 2/17/88.]

WAC 246-290-300 Monitoring requirements. (1) General.

(a) The monitoring requirements specified in this section are minimums. The department may require additional monitoring when:

(i) Contamination is present or suspected in the water system;

(ii) A ground water source is determined to be a potential GWI;

(iii) The degree of source protection is not satisfactory;

(iv) Additional monitoring is needed to verify source vulnerability for a requested monitoring waiver;

(v) Under other circumstances as identified in a departmental order; or

(vi) Additional monitoring is needed to evaluate continuing effectiveness of a treatment process where problems with the treatment process may exist.

(b) Special purpose samples collected by the purveyor shall not count toward fulfillment of the monitoring require-

ments of this chapter unless the quality of data and method of sampling and analysis are acceptable to the department.

(c) The purveyor shall ensure samples required by this chapter are collected, transported, and submitted for analysis according to EPA-approved methods. The analyses shall be performed by a laboratory accredited by the state. Qualified water utility, accredited laboratory, health department personnel, and other parties approved by the department may conduct measurements for pH, temperature, residual disinfectant concentration, alkalinity, bromide, chlorite, TOC, SUVA, and turbidity as required by this chapter, provided, these measurements are made in accordance with EPA approved methods.

(d) Compliance samples required by this chapter shall be taken at locations listed in Table 3 of this section.

(e) Purveyors failing to comply with a monitoring requirement shall notify:

(i) The department in accordance with WAC 246-290-480; and

(ii) The owner or operator of any consecutive system served and the appropriate water system users in accordance with 40 CFR 141.201 and Part 7, Subpart A of this chapter.

(2) Selling and receiving water.

(a) Source monitoring. Purveyors, with the exception of those that "wheel" water to their consumers (i.e., sell water that has passed through another purchasing purveyor's distribution system), shall conduct source monitoring in accordance with this chapter for the sources under their control. The level of monitoring shall satisfy the monitoring requirements associated with the total population served by the source.

(b) Distribution system monitoring. The purveyor of a system that receives and distributes water shall perform distribution-related monitoring requirements. Monitoring shall include, but not be limited to, the following:

(i) Collect coliform samples in accordance with subsection (3) of this section;

(ii) Collect trihalomethane samples if required by subsection (6) of this section or disinfection by-product samples if required by subsection (7) of this section;

(iii) Perform the distribution system residual disinfectant concentration monitoring in accordance with subsection (7) of this section, and as required under WAC 246-290-451 or 246-290-694;

(iv) Perform lead and copper monitoring required under 40 CFR 141.86, 141.87, and 141.88;

(v) Perform the distribution system monitoring in accordance with 40 CFR 141.23(b) for asbestos if applicable;

(vi) Other monitoring as required by the department.

(c) Reduced monitoring for regional programs. The receiving purveyor may receive reductions in the coliform, lead and copper, disinfection by-product (including THMs) and distribution system disinfectant residual concentration monitoring requirements, provided the receiving system:

(i) Purchases water from a purveyor that has a department-approved regional monitoring program; and

(ii) Has a written agreement with the supplying system or regional water supplier that is acceptable to the department, and which identifies the responsibilities of both the supplying and receiving system(s) with regards to monitoring, reporting and maintenance of the distribution system.

(d) Periodic review of regional programs. The department may periodically review the sampling records of public water systems participating in a department-approved monitoring program to determine if continued reduced monitoring is appropriate. If the department determines a change in the monitoring requirements of the receiving system is appropriate:

(i) The department shall notify the purveyor of the change in monitoring requirements; and

(ii) The purveyor shall conduct monitoring as directed by the department.

(3) Bacteriological.

(a) The purveyor shall be responsible for collection and submittal of coliform samples from representative points throughout the distribution system. Samples shall be collected after the first service and at regular time intervals each month the system provides water to consumers. Samples shall be collected that represent normal system operating conditions.

(i) Systems providing disinfection treatment shall, when taking a routine or repeat sample, measure residual disinfectant concentration within the distribution system at the same time and location and comply with the residual disinfection monitoring requirements under WAC 246-290-451.

(ii) Systems providing disinfection treatment shall assure that disinfectant residual concentrations are measured and recorded on all coliform sample report forms submitted for compliance purposes.

(b) Coliform monitoring plan.

(i) The purveyor shall prepare a written coliform monitoring plan and base routine monitoring upon the plan. The plan shall include coliform sample collection sites and a sampling schedule.

(ii) The purveyor shall:

(A) Keep the coliform monitoring plan on file with the system and make it available to the department for inspection upon request;

(B) Revise or expand the plan at any time the plan no longer ensures representative monitoring of the system, or as directed by the department; and

(C) Submit the plan to the department for review and approval when requested and as part of the water system plan required under WAC 246-290-100.

(c) Monitoring frequency. The number of required routine coliform samples is based on total population served.

(i) Purveyors of **community** systems shall collect and submit for analysis no less than the number of routine samples listed in Table 2 during each calendar month of operation;

(ii) Unless directed otherwise by the department, purveyors of **noncommunity** systems shall collect and submit for analysis no less than the number of samples required in Table 2, and no less than required under 40 CFR 141.21. Each month's population shall be based on the average daily population and shall include all residents and nonresidents served during that month. During months when the average daily population served is less than twenty-five, routine sample collection is not required when:

(A) Using only protected ground water sources;

(B) No coliform were detected in samples during the previous month; and

(C) One routine sample has been collected and submitted for analysis during one of the previous two months.

(iii) Purveyors of systems serving both a resident and a nonresident population shall base their minimum sampling requirement on the total of monthly populations served, both resident and nonresident as determined by the department, but no less than the minimum required in Table 2; and

(iv) Purveyors of systems with a nonresident population lasting two weeks or less during a month shall sample as directed by the department. Sampling shall be initiated at least two weeks prior to the time service is provided to consumers.

(v) Purveyors of TNC systems shall not be required to collect routine samples in months where the population served is zero or the system has notified the department of an unscheduled closure.

(d) Invalid samples. When a coliform sample is determined invalid under WAC 246-290-320 (2)(d), the purveyor shall:

(i) Not include the sample in the determination of monitoring compliance; and

(ii) Take follow-up action as defined in WAC 246-290-320 (2)(d).

(e) The purveyor using a surface water or GWI source shall collect representative source water samples for bacteriological density analysis in accordance with WAC 246-290-664 and 246-290-694 as applicable.

TABLE 2

MINIMUM MONTHLY ROUTINE COLIFORM SAMPLING REQUIREMENTS

Population Served [1] During Month	Minimum Number of Routine Samples/Calendar Month: When NO samples with a coliform presence were collected during the previous month	Minimum Number of Routine Samples/Calendar Month: When ANY samples with a coliform presence were collected during the previous month
1 - 1,000	1*	5
1,001 - 2,500	2*	5
2,501 - 3,300	3*	5
3,301 - 4,100	4*	5
4,101 - 4,900	5	5
4,901 - 5,800	6	6
5,801 - 6,700	7	7
6,701 - 7,600	8	8
7,601 - 8,500	9	9
8,501 - 12,900	10	10
12,901 - 17,200	15	15
17,201 - 21,500	20	20
21,501 - 25,000	25	25
25,001 - 33,000	30	30
33,001 - 41,000	40	40
41,001 - 50,000	50	50
50,001 - 59,000	60	60
59,001 - 70,000	70	70
70,001 - 83,000	80	80
83,001 - 96,000	90	90
96,001 - 130,000	100	100
130,001 - 220,000	120	120
220,001 - 320,000	150	150
320,001 - 450,000	180	180
450,001 - 600,000	210	210
600,001 - 780,000	240	240
780,001 - 970,000	270	270
970,001 - 1,230,000[3]	300	300

[1] Does not include the population of a consecutive system that purchases water. The sampling requirement for consecutive systems is a separate determination based upon the population of that system.

[2] Noncommunity systems using only protected ground water sources and serving less than 25 individuals, may collect and submit for analysis, one sample every three months.

[3] Systems serving populations larger than 1,230,000 shall contact the department for the minimum number of samples required per month.

[*] In addition to the provisions of subsection (1)(a) of this section, if a system of this size cannot show evidence of having been subject to a sanitary survey on file with the department, or has been determined to be at risk to bacteriological concerns following a survey, the minimum number of samples required per month may be increased by the department after additional consideration of such factors as monitoring history, compliance record, operational problems, and water quality concerns for the system.

(4) Inorganic chemical and physical.

(a) A complete inorganic chemical and physical analysis shall consist of the primary and secondary chemical and physical substances.

(i) Primary chemical and physical substances are antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate (as N), nitrite (as N), selenium, sodium, thallium, and for unfiltered surface water, turbidity.

(ii) Secondary chemical and physical substances are chloride, color, hardness, iron, manganese, specific conductivity, silver, sulfate, total dissolved solids*, and zinc.

* Required only when specific conductivity exceeds seven hundred micromhos/centimeter.

(b) Purveyors shall monitor for all primary and secondary chemical and physical substances identified in Table 4 and Table 5. Samples shall be collected in accordance with the monitoring requirements referenced in 40 CFR 141.23(a) through 141.23(j) and 40 CFR 143.4, except for composite samples for systems serving less than three thousand three hundred one persons. For these systems, compositing among different systems may be allowed if the systems are owned or operated by a department-approved satellite management agency.

(c) Samples required by this subsection shall be taken at designated locations in accordance with 40 CFR 141.23(a) through 141.23(j), and 40 CFR 143.4, and Table 3 herein.

(i) Wellfield samples shall be allowed from department designated wellfields; and

(ii) In accordance with 40 CFR 141.23 (a)(3), alternate sampling locations may be used if approved by the department. The process for determining these alternate sites is described in department guidance. Purveyors of community and NTNC systems may ask the department to approve an alternate sampling location for multiple sources within a single system that are blended prior to entry to the distribution system. Alternate sampling plans shall address the following:

(A) Source vulnerability;

(B) Individual source characteristics;

(C) Previous water quality information;

(D) Status of monitoring waiver applications; and

(E) Other information deemed necessary by the department.

(d) Composite samples:

(i) In accordance with CFR 141.23 (a)(4), purveyors may ask the certified lab to composite samples representing as many as five individual samples from within one system. Sampling procedures and protocols are outlined in department guidance; and

(ii) For systems serving a population of less than three thousand three hundred one, the department may approve composite sampling between systems when those systems are part of an approved satellite management agency.

(e) When the purveyor provides treatment for one or more inorganic chemical or physical contaminants, the department may require the purveyor to sample before and after treatment. The department shall notify the purveyor if and when this additional source sampling is required.

(f) Inorganic monitoring plans.

(i) Purveyors of community and NTNC systems shall prepare an inorganic chemical monitoring plan and base routine monitoring on the plan.

(ii) The purveyor shall:

(A) Keep the monitoring plan on file with the system and make it available to the department for inspection upon request;

(B) Revise or expand the plan at any time the plan no longer reflects the monitoring requirements, procedures or sampling locations, or as directed by the department; and

(C) Submit the plan to the department for review and approval when requested and as part of the water system plan required under WAC 246-290-100.

(g) Monitoring waivers.

(i) Purveyors may request in writing, a monitoring waiver from the department for any nonnitrate/nitrite inorganic chemical and physical monitoring requirements identified in this chapter.

(ii) Purveyors requesting a monitoring waiver shall comply with applicable subsections of 40 CFR 141.23 (b)(3), 141.23 (c)(3), and 141.40 (n)(4).

(iii) Purveyors shall update and resubmit requests for waiver renewals as applicable during each compliance cycle or period or more frequently as directed by the department.

(iv) Failure to provide complete and accurate information in the waiver application shall be grounds for denial of the monitoring waiver.

(h) The department may require the purveyor to repeat sample for confirmation of results.

(i) Purveyors with emergency and seasonal sources shall monitor those sources when they are in use.

(5) Lead and copper. Monitoring for lead and copper shall be conducted in accordance with 40 CFR 141.86 (a) - (f), 141.87, and 141.88.

(6) Trihalomethanes (THMs).

(a) Purveyors of **community** systems serving at least ten thousand people and providing water treated with chlorine or other halogenated disinfectant shall monitor as follows:

(i) Ground water sources. Until December 31, 2003, the purveyor shall collect one sample from each treated ground water source every twelve months. This sample shall be taken at the source before treatment and analyzed for maximum total trihalomethane potential (MTTP). The purveyor may receive approval from the department for an alternate sample location if it would provide essentially the same information as an MTTP analysis regarding the levels of THMs that the consumers are, or could potentially be, exposed to in the drinking water. Beginning January 1, 2004, systems that add a chemical disinfectant shall meet the monitoring requirements in subsection (7) of this section.

(ii) Surface water sources. The purveyor shall meet the monitoring requirements in subsection (7) of this section.

(iii) Purchased surface water sources. Purveyors of consecutive systems that add a chemical disinfectant to either the surface water they purchase, or to additional ground water supplies they use, shall meet the monitoring requirements in subsection (7) of this section.

(b) Until December 31, 2003, purveyors of **community** systems shall monitor for TTHM(s) when serving a population less than ten thousand and providing surface water treated with chlorine or other halogenated disinfectant. The purveyor shall collect one water sample per treated source every three months for one year. The sample shall be taken at the extreme end of the distribution system and analyzed for TTHM(s). After the first year, the purveyor shall monitor surface water sources every thirty-six months. Beginning January 1, 2004, systems that add a chemical disinfectant shall meet the monitoring requirements in subsection (7) of this section.

(c) Until December 31, 2003, purveyors of **community** systems shall monitor for TTHM(s) when serving less than ten thousand people and purchasing surface water treated with chlorine or other halogenated disinfectant or adding a halogenated disinfectant after purchase. The purveyor shall collect one water sample every three months at the extreme end of the distribution system or at a department-acceptable location. The sample shall be analyzed for TTHM(s). After the first year, the purveyor shall monitor every thirty-six months. Beginning January 1, 2004, systems that add a chemical disinfectant to either the surface water they purchase, or to additional ground water supplies they use, shall meet the monitoring requirements in subsection (7) of this section.

(d) After December 31, 2003, subsection (6) of this section no longer applies to any public water system.

(7) Disinfection by-products (DBP), disinfectant residuals, and disinfection by-product precursors (DBPP). Purveyors of community and NTNC systems providing water treated with chemical disinfectants and TNC systems using chlorine dioxide shall monitor as follows:

(a) General requirements.

(i) Systems shall collect samples during normal operating conditions.

(ii) All monitoring shall be conducted in accordance with the analytical requirements in 40 CFR 141.131.

(iii) Systems may consider multiple wells drawing from a single aquifer as one treatment plant for determining the minimum number of TTHM and HAA5 samples required, with department approval in accordance with department guidance.

(iv) Systems required to monitor under this subsection shall prepare and implement a monitoring plan in accordance with 40 CFR 141.132(f).

(A) Community and NTNC surface water systems that add a chemical disinfectant and serve at least ten thousand people shall submit a monitoring plan to the department.

(B) Community and NTNC surface water systems that add a chemical disinfectant and serve less than ten thousand people, but more than three thousand three hundred people, shall submit a monitoring plan to the department by April 10, 2004.

(C) The department may require submittal of a monitoring plan from systems not specified in subsection (7)(a)(iv)(A) or (B) of this section, and may require revision of any monitoring plan.

(D) Failure to monitor will be treated as a violation for the entire period covered by the annual average where compliance is based on a running annual average of monthly or quarterly samples or averages and the systems' failure to monitor makes it impossible to determine compliance with MCL's or MRDL's.

(b) Disinfection by-products **- Community** and **NTNC** systems only.

(i) Compliance dates.

(A) A system that is installing Granular Activated Carbon (GAC) with a minimum ten minutes of empty bed contact time (GAC10) or membrane technology to comply with WAC 246-290-310(5) may apply to the department for an extension of time to comply with this subsection. The extension may not go beyond December 31, 2003.

(B) Surface water systems that serve less than ten thousand people, or systems using only ground water, and that add a chemical disinfectant, including, but not limited to, chlorine, chloramines, chlorine dioxide, and/or ozone, shall comply with the applicable requirements of this subsection beginning January 1, 2004.

(ii) TTHMs and HAA5.

(A) Systems shall monitor for TTHMs and HAA5 in accordance with 40 CFR 141.132 (b)(1)(i).

(B) With department approval, systems may reduce monitoring in accordance with 40 CFR 141.132 (b)(1)(ii).

(C) Systems on department-approved reduced monitoring schedules may be required to return to routine monitoring, or initiate increased monitoring in accordance with 40 CFR 141.132 (b)(1)(iii).

(D) The department may return systems on increased monitoring to routine monitoring if, after one year, annual average results for TTHMs and HAA5 are less than or equal to 0.060 mg/L and 0.045 mg/L, respectively, or monitoring results are consistently below the MCLs indicating that increased monitoring is no longer necessary.

(iii) Chlorite - Only systems that use **chlorine dioxide.**

(A) Systems using chlorine dioxide shall conduct daily and monthly monitoring in accordance with 40 CFR 141.132 (b)(2)(i) and additional chlorite monitoring in accordance with 40 CFR 141.132 (b)(2)(ii).

(B) With department approval, monthly monitoring may be reduced in accordance with 40 CFR 141.132 (b)(2)(iii)(B). Daily monitoring at entry to distribution required by 40 CFR 141.132 (b)(2)(i)(A) may not be reduced.

(iv) Bromate - Only systems that use **ozone.**

(A) Systems using ozone for disinfection or oxidation must conduct bromate monitoring in accordance with 40 CFR 141.132 (b)(3)(i).

(B) With department approval, monthly bromate monitoring may be reduced to once per quarter, in accordance with the provisions and requirements of 40 CFR 141.132 (b)(3)(ii) and 40 CFR 141.132(e).

(c) Disinfectant residuals.

(i) Compliance dates.

(A) Community and NTNC surface water systems that add a chemical disinfectant, including, but not limited to, chlorine, chloramines, chlorine dioxide, and/or ozone, and serve less than ten thousand people, or systems using only ground water, shall comply with the applicable requirements of this section beginning January 1, 2004.

(B) TNC surface water systems that add chlorine dioxide as a disinfectant or oxidant, and serve less than ten thousand people, or systems using only ground water, shall comply with the chlorine dioxide MRDL beginning January 1, 2004.

(ii) Chlorine and chloramines. Systems that use chlorine or chloramines shall monitor and record the residual disinfectant level in the distribution system in accordance with WAC 246-290-451(6), 246-290-664 (6)(a), or 246-290-694 (8)(a).

(iii) Chlorine dioxide. Community, NTNC, or TNC systems that use chlorine dioxide shall monitor in accordance with 40 CFR 141.132 (c)(2) and record results.

(d) Disinfection by-product precursors.

(i) Compliance dates.

Community and NTNC surface water systems serving less than ten thousand people using conventional filtration that employs sedimentation shall comply with the applicable requirements of this subsection beginning January 1, 2004.

(ii) Surface water systems that use conventional filtration with sedimentation shall monitor in accordance with 40 CFR 141.132(d), and meet the requirements of 40 CFR 141.135.

(8) Organic chemicals.

(a) Purveyors of community and NTNC water systems shall comply with monitoring requirements in accordance with 40 CFR 141.24 (a) - (d), 141.24 (f)(1) - (f)(15), 141.24 (f)(18) - (19), 141.24 (f)(21), 141.24 (g)(1) - (9), 141.24 (g)(12) - (14), 141.24 (h)(1) - (11), 141.24 (h)(14) - (17), 141.40(a), 141.40(d), and 141.40(e).

(b) Sampling locations shall be as defined in 40 CFR 141.24(f), 141.24(g), 141.24(h), 141.40(b) and 141.40(c).

(i) Wellfield samples shall be allowed from department designated wellfields; and

(ii) In accordance with 40 CFR 141.24 (f)(3) and 141.24 (h)(3), alternate sampling locations may be allowed if approved by the department. These alternate locations are described in department guidance. Purveyors may ask the department to approve an alternate sampling location for multiple sources within a single system that are blended prior

to entry to the distribution system. The alternate sampling location shall consider the following:

(A) Source vulnerability;

(B) An updated organic monitoring plan showing location of all sources with current and proposed sampling locations;

(C) Individual source characteristics;

(D) Previous water quality information;

(E) Status of monitoring waiver applications; and

(F) Other information deemed necessary by the department.

(c) Composite samples:

(i) Purveyors may ask the certified lab to composite samples representing as many as five individual samples from within one system. Sampling procedures and protocols are outlined in department guidance;

(ii) For systems serving a population of less than three thousand three hundred one, the department may approve composite sampling between systems when those systems are part of an approved satellite management agency.

(d) The department may require the purveyor to sample both before and after treatment for one or more organic contaminants. The department shall notify the purveyor if and when this additional source sampling is required.

(e) Organic chemical monitoring plans.

(i) Purveyors of community and NTNC systems shall prepare an organic chemical monitoring plan and base routine monitoring on the plan.

(ii) The purveyor shall:

(A) Keep the monitoring plan on file with the system and make it available to the department for inspection upon request;

(B) Revise or expand the plan at any time the plan no longer reflects the monitoring requirements, procedures or sampling locations, or as directed by the department; and

(C) Submit the plan to the department for review and approval when requested and as part of the water system plan required under WAC 246-290-100.

(f) Monitoring waivers.

(i) Purveyors may request in writing, a monitoring waiver from the department for any organic monitoring requirement except those relating to unregulated VOCs;

(ii) Purveyors requesting a monitoring waiver shall comply with 40 CFR 141.24 (f)(7), 141.24 (f)(10), 141.24 (h)(6), 141.24 (h)(7) or 141.40 (n)(4);

(iii) Purveyors shall update and resubmit requests for waiver renewals as directed by the department; and

(iv) Failure to provide complete and accurate information in the waiver application shall be grounds for denial of the monitoring waiver.

(g) Purveyors with emergency and seasonal sources shall monitor those sources under the applicable requirements of this section when they are actively providing water to consumers.

(9) Unregulated chemicals.

(a) Unregulated inorganic contaminants. Purveyors of community and NTNC systems shall:

(i) Monitor for the unregulated inorganic chemicals listed in 40 CFR 141.40 (n)(12);

(ii) Comply with monitoring methods, frequencies, and sampling locations in accordance with 40 CFR 141.40 (n)(2) through 141.40 (n)(9) and 141.40 (n)(12); and

(iii) Apply in writing for a monitoring waiver according to the conditions outlined in 40 CFR 141.40 (n)(3), and the departmental procedures described in subsection (8)(f) of this section.

(b) Unregulated VOCs. Purveyors shall:

(i) Monitor in accordance with 40 CFR 141.40(e) and 141.40(j);

(ii) Comply with monitoring methods, frequency and sampling locations in accordance with 40 CFR 141.40(a) through 141.40(d), 141.40(g) and 141.40(i); and

(iii) Perform repeat monitoring for these compounds in accordance with 40 CFR 141.40(l).

(c) Unregulated SOCs. Purveyors shall:

(i) Monitor for the unregulated SOCs listed in 40 CFR 141.40 (n)(11); and

(ii) Comply with monitoring methods, frequencies, and sampling locations in accordance with 40 CFR 141.40 (n)(1) through 141.40 (n)(9).

Purveyors may request that the department defer this monitoring if a system has less than one hundred fifty service connections.

(d) Purveyors with emergency and seasonal sources shall monitor those sources under the applicable requirements of this section whenever they are actively providing water to consumers.

(10) Radionuclides. Monitoring for radionuclides shall be conducted in accordance with 40 CFR 141.26.

(11) Other substances.

On the basis of public health concerns, the department may require the purveyor to monitor for additional substances.

TABLE 3

MONITORING LOCATION

Sample Type	Sample Location
Asbestos	One sample from distribution system or if required by department, from the source.
Bacteriological	From representative points throughout distribution system.
Complete Inorganic Chemical & Physical	From a point representative of the source, after treatment, and prior to entry to the distribution system.
Lead/Copper	From the distribution system at targeted sample tap locations.
Nitrate/Nitrite	From a point representative of the source, after treatment, and prior to entry to the distribution system.
Total Trihalomethanes - Surface Water (WAC 246-290-300(6) only)	From points at extreme end, and at intermediate locations, in the distribution system from the source after treatment.
Potential Trihalomethanes - Ground Water (WAC 246-290-300(6) only)	From the source before treatment.
Disinfection By-Products - TTHMs and HAA5 - WAC 246-290-300(7)	In accordance with 40 CFR 141.132 (b)(1).

Sample Type	Sample Location
Disinfection By-Products - Chlorite (Systems adding chlorine dioxide)	In accordance with 40 CFR 141.132 (b)(2).
Disinfection By-Products - Bromate (Systems adding ozone)	In accordance with 40 CFR 141.132 (b)(3).
Disinfectant Residuals - Chlorine and Chloramines	In accordance with 40 CFR 141.132 (c)(1).
Disinfectant Residuals - Chlorine dioxide	In accordance with 40 CFR 141.132 (c)(2).
Disinfection Precursors - Total Organic Carbon (TOC)	In accordance with 40 CFR 141.132(d).
Disinfection Precursors - Bromide (Systems using ozone)	From the source before treatment.
Radionuclides	From a point representative of the source, after treatment and prior to entry to distribution system.
Organic Chemicals (VOCs & SOCs)	From a point representative of the source, after treatment and prior to entry to distribution system.
Other Substances (unregulated chemicals)	From a point representative of the source, after treatment, and prior to entry to the distribution system, or as directed by the department.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-300, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-300, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 94-14-001, § 246-290-300, filed 6/22/94, effective 7/23/94; 93-08-011 (Order 352B), § 246-290-300, filed 3/25/93, effective 4/25/93; 92-04-070 (Order 241B), § 246-290-300, filed 2/4/92, effective 3/6/92. Statutory Authority: Chapter 43.20 RCW. 91-07-031 (Order 150B), § 246-290-300, filed 3/15/91, effective 4/15/91. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-290-300, filed 12/27/90, effective 1/31/91. Statutory Authority: P.L. 99-339. 89-21-020 (Order 336), § 248-54-165, filed 10/10/89, effective 11/10/89. Statutory Authority: RCW 34.04.045. 88-05-057 (Order 307), § 248-54-165, filed 2/17/88. Statutory Authority: RCW 43.20.050. 83-19-002 (Order 266), § 248-54-165, filed 9/8/83.]

WAC 246-290-310 Maximum contaminant levels (MCLs) and maximum residual disinfectant levels (MRDLs). (1) General.

(a) The purveyor shall be responsible for complying with the standards of water quality identified in this section. If a substance exceeds its maximum contaminant level (MCL) or its maximum residual disinfectant level (MRDL), the purveyor shall take follow-up action in accordance with WAC 246-290-320.

(b) When enforcing the standards described under this section, the department shall enforce compliance with the primary standards as its first priority.

(2) Bacteriological.

(a) MCLs under this subsection shall be considered primary standards.

(b) Notwithstanding subsection (1) of this section, if coliform presence is detected in any sample, the purveyor shall take follow-up action in accordance with WAC 246-290-320(2).

(c) Acute MCL. An acute MCL for coliform bacteria occurs when there is:

(i) Fecal coliform presence in a repeat sample;

(ii) *E. coli* presence in a repeat sample; or

(iii) Coliform presence in any repeat samples collected as a follow-up to a sample with fecal coliform or *E. coli* presence.

Note: For the purposes of the public notification requirements in Part 7, Subpart A of this chapter, an acute MCL is a violation that requires Tier 1 public notification.

(d) Nonacute MCL. A nonacute MCL for coliform bacteria occurs when:

(i) Systems taking less than forty routine samples during the month have more than one sample with coliform presence; or

(ii) Systems taking forty or more routine samples during the month have more than 5.0 percent with coliform presence.

(e) MCL compliance. The purveyor shall determine compliance with the coliform MCL for each month the system provides drinking water to the public. In determining MCL compliance, the purveyor shall:

(i) Include:

(A) Routine samples; and

(B) Repeat samples.

(ii) Not include:

(A) Samples invalidated under WAC 246-290-320 (2)(d); and

(B) Special purpose samples.

(3) Inorganic chemical and physical.

The primary and secondary MCLs are listed in Table 4 and 5:

TABLE 4
INORGANIC CHEMICAL CHARACTERISTICS

Substance	Primary MCLs (mg/L)
Antimony (Sb)	0.006
Arsenic (As)	0.05
Asbestos	7 million fibers/liter (longer than 10 microns)
Barium (Ba)	2.0
Beryllium (Be)	0.004
Cadmium (Cd)	0.005
Chromium (Cr)	0.1
Copper (Cu)	*
Cyanide (HCN)	0.2
Fluoride (F)	4.0
Lead (Pb)	*
Mercury (Hg)	0.002
Nickel (Ni)	0.1
Nitrate (as N)	10.0
Nitrite (as N)	1.0
Selenium (Se)	0.05
Sodium (Na)	*
Thallium (Tl)	0.002
Substance	**Secondary MCLs (mg/L)**
Chloride (Cl)	250.0
Fluoride (F)	2.0
Iron (Fe)	0.3
Manganese (Mn)	0.05
Silver (Ag)	0.1
Sulfate (SO_4)	250.0
Zinc (Zn)	5.0

Note* Although the state board of health has not established MCLs for copper, lead, and sodium, there is sufficient pub-

lic health significance connected with copper, lead, and sodium levels to require inclusion in inorganic chemical and physical source monitoring. For lead and copper, the EPA has established distribution system related levels at which a system is required to consider corrosion control. These levels, called "action levels," are 0.015 mg/L for lead and 1.3 mg/L for copper and are applied to the highest concentration in ten percent of all samples collected from the distribution system. The EPA has also established a recommended level of twenty mg/L for sodium as a level of concern for those consumers that may be restricted for daily sodium intake in their diets.

TABLE 5
PHYSICAL CHARACTERISTICS

Substance	Secondary MCLs
Color	15 Color Units
Specific Conductivity	700 umhos/cm
Total Dissolved Solids (TDS)	500 mg/L

(4) Trihalomethanes.

(a) The department shall consider standards under this subsection primary standards.

(b) The MCL for total trihalomethanes (TTHMs) is 0.10 mg/L calculated on the basis of a running annual average of quarterly samples. The concentrations of each of the trihalomethane compounds (trichloromethane, dibromochloromethane, bromodichloromethane, and tribromomethane) are totaled to determine the TTHM level.

(c) There is no MCL for maximum total trihalomethane potential (MTTP). When the MTTP value exceeds 0.10 mg/L, the purveyor shall follow up as described under WAC 246-290-320(6).

(d) The MCL for total trihalomethanes in this subsection applies only to monitoring required under WAC 246-290-300(6). After December 31, 2003, this section no longer applies to any public water system.

(5) Disinfection by-products.

(a) The department shall consider standards under this subsection as primary standards. The MCLs in this subsection apply to monitoring required by WAC 246-290-300(7).

(b) The MCLs for disinfection by-products are as follows:

Disinfection By-Product	MCL (mg/L)
Total Trihalomethanes (TTHMs)	0.080
Haloacetic acids (five) (HAA5)	0.060
Bromate	0.010
Chlorite	1.0

(c) Whether a system has exceeded MCLs shall be determined in accordance with 40 CFR 141.133.

(6) Disinfectant residuals.

(a) The department shall consider standards under this subsection primary standards. The MRDLs in this subsection apply to monitoring required by WAC 246-290-300(7).

(b) The MRDL for disinfectants is as follows:

Disinfectant Residual	MRDL (mg/L)
Chlorine	4.0 (as $C1_2$)
Chloramines	4.0 (as $C1_2$)
Chlorine Dioxide	0.8 (as $C1O_2$)

(c) Whether a system has exceeded MRDLs shall be determined in accordance with 40 CFR 141.133.

(7) Radionuclides.

(a) The department shall consider standards under this subsection primary standards.

(b) The MCLs for radium-226 and radium-228, gross alpha particle activity, beta particle and photon radioactivity, and uranium shall be as listed in 40 CFR 141.66.

(8) Organic chemicals.

(a) The department shall consider standards under this subsection primary standards.

(b) VOCs.

(i) The MCLs for VOCs shall be as listed in 40 CFR 141.61(a).

(ii) The department shall determine compliance with this subsection based on compliance with 40 CFR 141.24(f).

(c) SOCs.

(i) MCLs for SOCs shall be as listed in 40 CFR 141.61 (c).

(ii) The department shall determine compliance with this subsection based on compliance with 40 CFR 141.24(h).

(9) Other chemicals.

(a) The state board of health shall determine maximum contaminant levels for any additional substances.

(b) Purveyors may be directed by the department to comply with state advisory levels (SALs) for contaminants that do not have a MCL established in chapter 246-290 WAC. SALs shall be:

(i) MCLs that have been promulgated by the EPA, but which have not yet been adopted by the state board of health; or

(ii) State board of health adopted levels for substances recommended by the department and not having an EPA established MCL. A listing of these may be found in the department document titled *Procedures and References for the Determination of State Advisory Levels for Drinking Water Contaminants* dated June 1996, that has been approved by the state board of health and is available.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-310, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-310, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 94-14-001, § 246-290-310, filed 6/22/94, effective 7/23/94; 93-08-011 (Order 352B), § 246-290-310, filed 3/25/93, effective 4/25/93; 92-04-070 (Order 241B), § 246-290-310, filed 2/4/92, effective 3/6/92. Statutory Authority: Chapter 43.20 RCW. 91-07-031 (Order 150B), § 246-290-310, filed 3/15/91, effective 4/15/91. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-290-310, filed 12/27/90, effective 1/31/91. Statutory Authority: P.L. 99-339. 89-21-020 (Order 336), § 248-54-175, filed 10/10/89, effective 11/10/89. Statutory Authority: RCW 34.04.045. 88-05-057 (Order 307), § 248-54-175, filed 2/17/88. Statutory Authority: RCW 43.20.050. 83-19-002 (Order 266), § 248-54-175, filed 9/8/83.]

WAC 246-290-320 Follow-up action. (1) General.

(a) When an MCL or MRDL violation occurs, the purveyor shall take follow-up action as described in this section.

(b) When a primary standard violation occurs, the purveyor shall:

(i) Notify the department in accordance with WAC 246-290-480;

(ii) Notify the consumers served by the system and the owner or operator of any consecutive system served in accor-

dance with 40 CFR 141.201 through 208, and Part 7, Subpart A of this chapter;

(iii) Determine the cause of the contamination; and

(iv) Take action as directed by the department.

(c) When a secondary standard violation occurs, the purveyor shall notify the department and take action as directed by the department.

(d) The department may require additional sampling for confirmation of results.

(2) Bacteriological.

(a) When coliform bacteria are present in any sample and the sample is not invalidated under (d) of this subsection, the purveyor shall ensure the following actions are taken:

(i) The sample is analyzed for fecal coliform or E. coli. When a sample with a coliform presence is not analyzed for E. coli or fecal coliforms, the sample shall be considered as having a fecal coliform presence for MCL compliance purposes;

(ii) Repeat samples are collected in accordance with (b) of this subsection;

(iii) The department is notified in accordance with WAC 246-290-480; and

(iv) The cause of the coliform presence is determined and corrected.

(b) Repeat samples.

(i) The purveyor shall collect repeat samples in order to confirm the original sample results and to determine the cause of the coliform presence. Additional treatment, such as batch or shock chlorination, shall not be instituted prior to the collection of repeat samples unless prior authorization by the department is given. Following collection of repeat samples, and before the analytical results are known, there may be a need to provide interim precautionary treatment or other means to insure public health protection. The purveyor shall contact the department to determine the best interim approach in this situation.

(ii) The purveyor shall collect and submit for analysis a set of repeat samples for every sample in which the presence of coliforms is detected. A set of repeat coliform samples consists of:

(A) Four repeat samples for systems collecting one routine coliform sample each month; or

(B) Three repeat samples for all systems collecting more than one routine coliform sample each month.

(iii) The purveyor shall collect repeat sample sets according to Table 7;

(iv) The purveyor shall collect one set of repeat samples for each sample with a coliform presence. All samples in a set of repeat samples shall be collected on the same day and submitted for analysis within twenty-four hours after notification by the laboratory of a coliform presence, or as directed by the department.

(v) When repeat samples have coliform presence, the purveyor shall:

(A) Contact the department and collect a minimum of one additional set of repeat samples as directed by the department; or

(B) Collect one additional set of repeat samples for each sample where coliform presence was detected.

(vi) The purveyor of a system providing water to consumers via a single service shall collect repeat samples from the same location as the sample with a coliform presence. The set of repeat samples shall be collected:

(A) On the same collection date;

(B) Over consecutive days with one sample collected each day until the required samples in the set of repeat samples are collected; or

(C) As directed by the department.

(vii) If a sample with a coliform presence was collected from the first two or last two active services, the purveyor shall monitor as directed by the department;

(viii) The purveyor may change a previously submitted routine sample to a sample in a set of repeat samples when the purveyor:

(A) Collects the sample within five adjacent service connections of the location from which the initial sample with a coliform presence was collected;

(B) Collects the sample after the initial sample with a coliform presence was submitted for analysis;

(C) Collects the sample on the same day as other samples in the set of repeat samples, except under (b)(iv) of this subsection; and

(D) Requests and receives approval from the department for the change.

(ix) The department may determine that sets of repeat samples specified under this subsection are not necessary during a month when a nonacute coliform MCL violation is determined for the system.

Table 7
REPEAT SAMPLE REQUIREMENTS

# OF ROUTINE SAMPLES COLLECTED EACH MONTH	# OF SAMPLES IN A SET OF REPEAT SAMPLES	LOCATIONS FOR REPEAT SAMPLES (COLLECT AT LEAST ONE SAMPLE PER SITE)
1	4	♦ Site of previous sample with a coliform presence ♦ Within 5 active services upstream of site of sample with a coliform presence ♦ Within 5 active services downstream of site of sample with a coliform presence ♦ At any other active service or from a location most susceptible to contamination (i.e., well or reservoir)
more than 1	3	♦ Site of previous sample with a coliform presence ♦ Within 5 active services upstream of site of sample with a coliform presence ♦ Within 5 active services downstream of site of sample with a coliform presence

(c) Monitoring frequency following a coliform presence. Systems having one or more coliform presence samples that were not invalidated during the previous month shall collect and submit for analysis the minimum number of samples shown in the last column of Table 2.

(i) The purveyor may obtain a reduction in the monitoring frequency requirement when one or more samples with a coliform presence were collected during the previous month, if the purveyor proves to the satisfaction of the department;

(A) The cause of the sample with a coliform presence; and

(B) The problem is corrected before the end of the next month the system provides water to the public.

(ii) If the monitoring frequency requirement is reduced, the purveyor shall collect and submit at least the minimum number of samples required when no samples with a coliform presence were collected during the previous month.

(d) Invalid samples. Coliform samples may be determined to be invalid under any of the following conditions:

(i) A certified laboratory determines that the sample results show:

(A) Multiple tube technique cultures that are turbid without appropriate gas production;

(B) Presence-absence technique cultures that are turbid in the absence of an acid reaction;

(C) Occurrence of confluent growth patterns or growth of TNTC (too numerous to count) colonies without a surface sheen using a membrane filter analytic technique;

(ii) The analyzing laboratory determines there is excess debris in the sample.

(iii) The analyzing laboratory establishes that improper sample collection or analysis occurred;

(iv) The department determines that a nondistribution system problem has occurred as indicated by:

(A) All samples in the set of repeat samples collected at the same location, including households, as the original coliform presence sample also are coliform presence; and

(B) All other samples from different locations (households, etc.) in the set of repeat samples are free of coliform.

(v) The department determines a coliform presence result is due to a circumstance or condition that does not reflect water quality in the distribution system.

(e) Follow-up action when an invalid sample is determined. The purveyor shall take the following action when a coliform sample is determined to be invalid:

(i) Collect and submit for analysis an additional coliform sample from the same location as each invalid sample within twenty-four hours of notification of the invalid sample; or

(ii) In the event that it is determined that the invalid sample resulted from circumstances or conditions not reflective of distribution system water quality, collect a set of samples in accordance with Table 7; and

(iii) Collect and submit for analysis samples as directed by the department.

(f) Invalidated samples shall not be included in determination of the sample collection requirement for compliance with this chapter.

(3) Inorganic chemical and physical follow-up monitoring shall be conducted in accordance with the following:

(a) For nonnitrate/nitrite primary inorganic chemicals, 40 CFR 141.23 (a)(4), 141.23 (b)(8), 141.23 (c)(7), 141.23 (f)(1), 141.23(g), 141.23(m) and 141.23(n);

(b) For nitrate, 40 CFR 141.23 (a)(4), 141.23 (d)(2), 141.23 (d)(3), 141.23 (f)(2), 141.23(g), 141.23(m), 141.23(n), and 141.23(o);

(c) For nitrite, 40 CFR 141.23 (a)(4), 141.23 (e)(3), 141.23 (f)(2), and 141.23(g); or

(d) The purveyor of any public water system providing service that has secondary inorganic MCL exceedances shall take follow-up action as required by the department. Follow-up action shall be commensurate with the degree of consumer acceptance of the water quality and their willingness to bear the costs of meeting the secondary standard. For new community water systems and new nontransient noncommunity water systems without active consumers, treatment for secondary contaminant MCL exceedances will be required.

(4) Lead and copper follow-up monitoring shall be conducted in accordance with 40 CFR 141.85(d), 141.86 (d)(2), 141.86 (d)(3), 141.87(d) and 141.88(b) through 141.88(d).

(5) Turbidity.

Purveyors monitoring turbidity in accordance with Part 6 of this chapter shall provide follow-up in accordance with WAC 246-290-634.

(6) Trihalomethanes. For public water systems subject to WAC 246-290-300(6):

(a) When the average of all samples taken during any twelve-month period exceeds the MCL for total trihalomethanes as referenced in WAC 246-290-310 (4)(b), the violation is confirmed and the purveyor shall take corrective action as required by the department, and consistent with 40 CFR 141.30 (b)(3). When the maximum trihalomethane potential (MTTP) result is equal to or greater than 0.10 mg/L and the result is confirmed by a promptly collected repeat sample, the purveyor shall provide for additional monitoring and take action as directed by the department.

(7) Organic chemicals. Follow-up monitoring shall be conducted in accordance with the following:

(a) For VOCs, 40 CFR 141.24 (f)(11) through 141.24 (f)(15); or

(b) For SOCs, 40 CFR 141.24(b), 141.24(c) and 141.24 (h)(7) through 141.24 (h)(11).

(8) Unregulated inorganic and organic chemicals.

(a) Follow-up monitoring shall be conducted in accordance with 40 CFR 141.40 (n)(8) and 141.40 (n)(9).

(b) When an unregulated chemical is verified at a concentration above the detection limit, the purveyor shall:

(i) Submit the sample analysis results to the department within seven days of receipt from the laboratory; and

(ii) Sample the source a minimum of once every three months for one year and then annually thereafter during the three-month period when the highest previous measurement occurred.

(c) If the department determines that an unregulated chemical is verified at a level greater than a SAL, the department shall notify the purveyor in writing. The purveyor shall repeat sample the source as soon as possible after initial department notice that a SAL has been exceeded. The purveyor shall submit the analysis results to the department within seven days of receipt from the laboratory. If any repeat sample confirms that a SAL has been exceeded, the purveyor shall:

(i) Provide consumer information in accordance with Part 7, Subpart A of this chapter;

(ii) Investigate the cause of the contamination; and

(iii) Take follow-up or corrective action as required by the department.

(d) The department may reduce the purveyor's monitoring requirement for a source detecting an unregulated chemical if the source has been monitored annually for at least three years, and all analysis results are less than the SAL.

(9) Radionuclide follow-up monitoring shall be conducted in accordance with 40 CFR 141.26 (a)(2)(iv), 141.26 (a)(3)(ii) through (v), 141.26 (a)(4), 141.26 (b)(6), and 141.26 (c)(5).

(10) The department shall determine the purveyor's follow-up action when a substance not included in this chapter is detected.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-320, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-320, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 94-14-001, § 246-290-320, filed 6/22/94, effective 7/23/94; 93-08-011 (Order 352B), § 246-290-320, filed 3/25/93, effective 4/25/93; 92-04-070 (Order 241B), § 246-290-320, filed 2/4/92, effective 3/6/92. Statutory Authority: Chapter 43.20 RCW. 91-07-031 (Order 150B), § 246-290-320, filed 3/15/91, effective 4/15/91. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-290-320, filed 12/27/90, effective 1/31/91. Statutory Authority: P.L. 99-339. 89-21-020 (Order 336), § 248-54-185, filed 10/10/89, effective 11/10/89. Statutory Authority: RCW 34.04.045. 88-05-057 (Order 307), § 248-54-185, filed 2/17/88. Statutory Authority: RCW 43.20.050. 83-19-002 (Order 266), § 248-54-185, filed 9/8/83.]

WAC 246-290-416 Sanitary surveys. (1) All public water systems shall submit to a sanitary survey conducted by the department, or the department's designee, based upon the following schedule:

(a) For community and nontransient noncommunity water systems, every five years, or more frequently as determined by the department. The sanitary surveys shall be consistent with the schedules presented in 40 CFR 141.21; and

(b) For transient noncommunity water systems, every five years unless the system uses only disinfected ground water and has an approved wellhead protection program, in which case the survey shall be every ten years. The sanitary surveys shall be conducted consistent with schedules presented in 40 CFR 141.21.

(c) For community public water systems that use a surface water or GWI source, every three years. Surveys may be reduced to every five years upon written approval from the department.

(2) All public water system purveyors shall be responsible for:

(a) Ensuring cooperation in scheduling sanitary surveys with the department, or its designee; and

(b) Ensuring the unrestricted availability of all facilities and records at the time of the sanitary survey.

(3) All public water systems that use a surface water or GWI source shall, within forty-five days following receipt of a sanitary survey report that identifies significant deficiencies, identify in writing to the department how the system will correct the deficiencies and propose a schedule to complete the corrections. The department may modify the schedule if necessary to protect the health of water system users.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-416, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-416, filed 3/9/99, effective 4/9/99.]

WAC 246-290-451 Disinfection of drinking water. (1) No portion of a public water system containing potable water shall be put into service, nor shall service be resumed until the facility has been effectively disinfected.

(a) In cases of new construction, drinking water shall not be furnished to the consumer until satisfactory bacteriological samples have been analyzed by a laboratory certified by the state; and

(b) In cases of existing water mains, when the integrity of the main is lost resulting in a significant loss of pressure that places the main at risk to cross-connection contamination, the purveyor shall use standard industry practices such as flushing, disinfection, and/or bacteriological sampling to ensure adequate and safe water quality prior to the return of the line to service;

(c) If a cross-connection is confirmed, the purveyor shall satisfy the reporting requirements as described under WAC 246-290-490(8).

(2) The procedure used for disinfection shall conform to standards published by the American Water Works Association, or other industry standards acceptable to the department.

(3) The purveyor of a system using ground water and required to disinfect, shall meet the following disinfection requirements, unless otherwise directed by the department:

(a) Minimum contact time at a point at or before the first consumer of:

(i) Thirty minutes if 0.2 mg/L free chlorine residual is maintained;

(ii) Ten minutes if 0.6 mg/L free chlorine residual is maintained; or

(iii) Any combination of free chlorine residual concentration (C), measured in mg/L, and contact time (T), measured in minutes, that results in a CT product (C X T) of greater than or equal to six; or

(iv) Contact time (T) for surface water or GWI sources shall be determined in accordance with WAC 246-290-636.

(b) Detectable residual disinfectant concentration in all active parts of the distribution system, measured as total chlorine, free chlorine, combined chlorine, or chlorine dioxide;

(c) Water in the distribution system with an HPC level less than or equal to 500 organisms/mL is considered to have a detectable residual disinfectant concentration.

(4) The department may require the purveyor to provide longer contact times, higher chlorine residuals, or additional treatment to protect the health of consumers served by the public water system.

(5) The purveyor of a system using surface water or GWI shall meet disinfection requirements specified in Part 6 of this chapter.

(6) The purveyor of a system adding a chemical disinfectant shall monitor residual disinfectant concentration at representative points in the system on a daily basis, and at the same time and location of routine and repeat coliform sample collection. Frequency of disinfection residual monitoring may be reduced upon written request to the department if it can be shown that disinfection residuals can be maintained on a reliable basis without the provision of daily monitoring, but shall be no less frequent than specified in WAC 246-290-300 (3)(a)(i).

(7) The analyses shall be conducted in accordance with "standard methods." To assure adequate monitoring of chlorine residual, the department may require the use of continuous chlorine residual analyzers and recorders.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-451, filed 3/27/03, effective 4/27/03. Statutory Authority:

RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-451, filed 3/9/99, effective 4/9/99.]

WAC 246-290-480 Recordkeeping and reporting. (1) Records. The purveyor shall keep the following records of operation and water quality analyses:

(a) Bacteriological and turbidity analysis results shall be kept for five years. Chemical analysis results shall be kept for as long as the system is in operation. Records of daily source meter readings shall be kept for ten years. Other records of operation and analyses required by the department shall be kept for three years. All records shall bear the signature of the operator in responsible charge of the water system or his or her representative. Systems shall keep these records available for inspection by the department and shall send the records to the department if requested. Actual laboratory reports may be kept or data may be transferred to tabular summaries, provided the following information is included:

(i) The date, place, and time of sampling, and the name of the person collecting the sample;

(ii) Identification of the sample type (routine distribution system sample, repeat sample, source or finished water sample, or other special purpose sample);

(iii) Date of analysis;

(iv) Laboratory and person responsible for performing analysis;

(v) The analytical method used; and

(vi) The results of the analysis.

(b) Records of action taken by the system to correct violations of primary drinking water standards. For each violation, records of actions taken to correct the violation, and copies of public notifications shall be kept for no less than three years after the last corrective action taken.

(c) Copies of any written reports, summaries, or communications relating to sanitary surveys or SPIs of the system conducted by system personnel, by a consultant or by any local, state, or federal agency, shall be kept for ten years after completion of the sanitary survey or SPI involved.

(d) Copies of project reports, construction documents and related drawings, inspection reports and approvals shall be kept for the life of the facility.

(e) Where applicable, daily records of the following shall be kept for a minimum of three years:

(i) Chlorine residual;

(ii) Fluoride level;

(iii) Water treatment plant performance including, but not limited to:

(A) Type of chemicals used and quantity;

(B) Amount of water treated; and

(C) Results of analyses.

(iv) Turbidity;

(v) Source meter readings; and

(vi) Other information as specified by the department.

(f) The purveyor shall retain copies of public notices made in accordance with Part 7, Subpart A of this chapter and certifications made to the department under 40 CFR 141.33 (e) for a period of at least three years after issuance.

(g) Purveyors using conventional, direct, or in-line filtration that recycle spent filter backwash water, thickener supernatant, or liquids from dewatering processes within their treatment plant shall, beginning no later than June 8, 2004, collect and retain on file the following information for review and evaluation by the department:

(i) A copy of the recycle notification and information submitted to the department in accordance with WAC 246-290-660 (4)(a)(i).

(ii) A list of all recycle flows and the frequency with which they are returned.

(iii) Average and maximum backwash flow rate through the filters and the average and maximum duration of the filter backwash process in minutes.

(iv) Typical filter run length and a written summary of how filter run length is determined.

(v) The type of treatment provided for the recycle flow.

(vi) Data on the physical dimensions of the equalization and/or treatment units, typical and maximum hydraulic loading rates, type of treatment chemicals used and average dose and frequency of use, and frequency at which solids are removed, if applicable.

(2) Reporting.

(a) Unless otherwise specified in this chapter, the purveyor shall report to the department within forty-eight hours the failure to comply with any national primary drinking water regulation (including failure to comply with any monitoring requirements) as set forth in this chapter. For violations assigned to Tier 1 in WAC 246-290-71001, the department must be notified as soon as possible, but no later than twenty-four hours after the violation is known.

(b) The purveyor shall submit to the department reports required by this chapter, including tests, measurements, and analytic reports. Monthly reports are due before the tenth day of the following month, unless otherwise specified in this chapter.

(c) The purveyor shall submit to the department copies of any written summaries or communications relating to the status of monitoring waivers during each monitoring cycle or as directed by the department.

(d) Source meter readings shall be made available to the department.

(e) Water facilities inventory form (WFI).

(i) Purveyors of **community** and **NTNC** systems shall submit an annual WFI update to the department;

(ii) Purveyors of **TNC** systems shall submit an updated WFI to the department as requested;

(iii) Purveyors shall submit an updated WFI to the department within thirty days of any change in name, category, ownership, or responsibility for management of the water system, or addition of source or storage facilities; and

(iv) At a minimum the completed WFI shall provide the current names, addresses, and telephone numbers of the owners, operators, and emergency contact persons for the system.

(v) Purveyors shall provide in the WFI total annual water production and use, including:

(i) Total annual water production for each source;

(ii) Monthly and annual totals for water purchased from or sold to other purveyors; and

(iii) For purveyors with more than one thousand service connections, monthly and annual totals for purveyor consumer classes. Monthly data may be estimated if the water system bills less frequently than monthly.

(f) Bacteriological.

(i) The purveyor shall notify the department of the presence of:

(A) Coliform in a sample, within ten days of notification by the laboratory; and

(B) Fecal coliform or E. coli in a sample, by the end of the business day in which the purveyor is notified by the laboratory. If the purveyor is notified of the results after normal close of business, then the purveyor shall notify the department before the end of the next business day.

(g) Systems monitoring for unregulated contaminants in accordance with WAC 246-290-300(9), shall send a copy of the results of such monitoring to the department within thirty days of receipt of analytical results.

(h) Systems monitoring for disinfection by-products in accordance with WAC 246-290-300(7) shall report information to the department as specified in 40 CFR 141.134.

(i) Systems monitoring for disinfectant residuals in accordance with WAC 246-290-300(7) shall report information to the department as specified in subsection (2)(a) of this section, and 40 CFR 141.134(c).

(j) Systems required to monitor for disinfection by-product precursor removal in accordance with WAC 246-290-300(7) shall report information to the department as specified in 40 CFR 141.134(d).

(k) Systems shall submit to the department, in accordance with 40 CFR 141.31(d), a certification that the system has complied with the public notification regulations (Part 7, Subpart A of this chapter) when a public notification is required. Along with the certification, the system shall submit a representative copy of each type of notice.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-480, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-480, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 94-14-001, § 246-290-480, filed 6/22/94, effective 7/23/94; 93-08-011 (Order 352B), § 246-290-480, filed 3/25/93, effective 4/25/93; 92-04-070 (Order 241B), § 246-290-480, filed 2/4/92, effective 3/6/92; 91-02-051 (Order 124B), recodified as § 246-290-480, filed 12/27/90, effective 1/31/91. Statutory Authority: P.L. 99-339. 89-21-020 (Order 336), § 248-54-265, filed 10/10/89, effective 11/10/89. Statutory Authority: RCW 34.04.045. 88-05-057 (Order 307), § 248-54-265, filed 2/17/88. Statutory Authority: RCW 43.20.050. 83-19-002 (Order 266), § 248-54-265, filed 9/8/83.]

WAC 246-290-490 Cross-connection control. (1) Applicability, purpose, and responsibility.

(a) All community water systems shall comply with the cross-connection control requirements specified in this section.

(b) All noncommunity water systems shall apply the principles and provisions of this section, including subsection (4)(b) of this section, as applicable to protect the public water system from contamination via cross-connections. Noncommunity systems that comply with subsection (4)(b) of this section and the provisions of WAC 51-56-0600 of the UPC (which addresses the installation of backflow preventers at points of water use within the potable water system) shall be considered in compliance with the requirements of this section.

(c) The purpose of the purveyor's cross-connection control program shall be to protect the public water system, as defined in WAC 246-290-010, from contamination via cross-connections.

(d) The purveyor's responsibility for cross-connection control shall begin at the water supply source, include all the public water treatment, storage, and distribution facilities, and end at the point of delivery to the consumer's water system, which begins at the downstream end of the service connection or water meter located on the public right of way or utility-held easement.

(e) Under the provisions of this section, purveyors are not responsible for eliminating or controlling cross-connections within the consumer's water system. Under chapter 19.27 RCW, the responsibility for cross-connection control within the consumer's water system, i.e., within the property lines of the consumer's premises, falls under the jurisdiction of the local administrative authority.

(2) General program requirements.

(a) The purveyor shall develop and implement a cross-connection control program that meets the requirements of this section, but may establish a more stringent program through local ordinances, resolutions, codes, bylaws, or operating rules.

(b) Purveyors shall ensure that good engineering and public health protection practices are used in the development and implementation of cross-connection control programs. Department publications and the most recently published editions of references, such as, but not limited to, those listed below, may be used as guidance for cross-connection program development and implementation:

(i) *Manual of Cross-Connection Control* published by the Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California (USC Manual); or

(ii) *Cross-Connection Control Manual, Accepted Procedure and Practice* published by the Pacific Northwest Section of the American Water Works Association (PNWS-AWWA Manual).

(c) The purveyor may implement the cross-connection control program, or any portion thereof, directly or by means of a contract with another agency or party acceptable to the department.

(d) The purveyor shall coordinate with the local administrative authority in all matters concerning cross-connection control. The purveyor shall document and describe such coordination, including delineation of responsibilities, in the written cross-connection control program required in (e) of this subsection.

(e) The purveyor shall include a written description of the cross-connection control program in the water system plan required under WAC 246-290-100 or the small water system management program required under WAC 246-290-105. The cross-connection control program shall include the minimum program elements described in subsection (3) of this section.

(f) The purveyor shall ensure that cross-connections between the distribution system and a consumer's water system are eliminated or controlled by the installation of an approved backflow preventer commensurate with the degree of hazard. This can be accomplished by implementation of a cross-connection program that relies on:

(i) Premises isolation as defined in WAC 246-290-010; or

(ii) Premises isolation and in-premises protection as defined in WAC 246-290-010.

(g) Purveyors with cross-connection control programs that rely both on premises isolation and in-premises protection:

(i) Shall comply with the premises isolation requirements specified in subsection (4)(b) of this section; and

(ii) May reduce premises isolation requirements and rely on in-premises protection for premises other than the type not addressed in subsection (4)(b) of this section, if the conditions in (h) of this subsection are met.

(h) Purveyors may rely on in-premises protection only when the following conditions are met:

(i) The in-premises backflow preventers provide a level of protection commensurate with the purveyor's assessed degree of hazard;

(ii) Backflow preventers which provide the in-premises backflow protection meet the definition of approved backflow preventers as described in WAC 246-290-010;

(iii) The approved backflow preventers are installed, inspected, tested (if applicable), maintained, and repaired in accordance with subsections (6) and (7) of this section;

(iv) Records of such backflow preventers are maintained in accordance with subsections (3)(j) and (8) of this section; and

(v) The purveyor has reasonable access to the consumer's premises to conduct an initial hazard evaluation and periodic reevaluations to determine whether the in-premises protection is adequate to protect the purveyor's distribution system.

(i) The purveyor shall take appropriate corrective action within its authority if:

(i) A cross-connection exists that is not controlled commensurate to the degree of hazard assessed by the purveyor; or

(ii) A consumer fails to comply with the purveyor's requirements regarding the installation, inspection, testing, maintenance or repair of approved backflow preventers required by this chapter.

(j) The purveyor's corrective action may include, but is not limited to:

(i) Denying or discontinuing water service to a consumer's premises until the cross-connection hazard is eliminated or controlled to the satisfaction of the purveyor;

(ii) Requiring the consumer to install an approved backflow preventer for premises isolation commensurate with the degree of hazard; or

(iii) The purveyor installing an approved backflow preventer for premises isolation commensurate with the degree of hazard.

(k) Purveyors denying or discontinuing water service to a consumer's premises for one or more of the reasons listed in (i) of this subsection shall notify the local administrative authority prior to taking such action except in the event of an emergency.

(l) The purveyor shall prohibit the intentional return of used water to the purveyor's distribution system. Such water would include, but is not limited to, water used for heating, cooling, or other purposes within the consumer's water system.

(3) Minimum elements of a cross-connection control program.

(a) To be acceptable to the department, the purveyor's cross-connection control program shall include the minimum elements identified in this subsection.

(b) Element 1: The purveyor shall adopt a local ordinance, resolution, code, bylaw, or other written legal instrument that:

(i) Establishes the purveyor's legal authority to implement a cross-connection control program;

(ii) Describes the operating policies and technical provisions of the purveyor's cross-connection control program; and

(iii) Describes the corrective actions used to ensure that consumers comply with the purveyor's cross-connection control requirements.

(c) Element 2: The purveyor shall develop and implement procedures and schedules for evaluating new and existing service connections to assess the degree of hazard posed by the consumer's premises to the purveyor's distribution system and notifying the consumer within a reasonable time frame of the hazard evaluation results. At a minimum, the program shall meet the following:

(i) For new connections made on or after the effective date of these regulations, procedures shall ensure that an initial evaluation is conducted before service is provided;

(ii) For existing connections made prior to the effective date of these regulations, procedures shall ensure that an initial evaluation is conducted in accordance with a schedule acceptable to the department; and

(iii) For all service connections, once an initial evaluation has been conducted, procedures shall ensure that periodic reevaluations are conducted in accordance with a schedule acceptable to the department and whenever there is a change in the use of the premises.

(d) Element 3: The purveyor shall develop and implement procedures and schedules for ensuring that:

(i) Cross-connections are eliminated whenever possible;

(ii) When cross-connections cannot be eliminated, they are controlled by installation of approved backflow preventers commensurate with the degree of hazard; and

(iii) Approved backflow preventers are installed in accordance with the requirements of subsection (6) of this section.

(e) Element 4: The purveyor shall ensure that personnel, including at least one person certified as a CCS, are provided to develop and implement the cross-connection control program.

(f) Element 5: The purveyor shall develop and implement procedures to ensure that approved backflow preventers are inspected and/or tested (as applicable) in accordance with subsection (7) of this section.

(g) Element 6: The purveyor shall develop and implement a backflow prevention assembly testing quality control assurance program, including, but not limited to, documentation of tester certification and test kit calibration, test report contents, and time frames for submitting completed test reports.

(h) Element 7: The purveyor shall develop and implement (when appropriate) procedures for responding to backflow incidents.

(i) Element 8: The purveyor shall include information on cross-connection control in the purveyor's existing program for educating consumers about water system operation. Such a program may include periodic bill inserts, public service announcements, pamphlet distribution, notification of new consumers and consumer confidence reports.

(j) Element 9: The purveyor shall develop and maintain cross-connection control records including, but not limited to, the following:

(i) A master list of service connections and/or consumer's premises where the purveyor relies upon approved backflow preventers to protect the public water system from contamination, the assessed hazard level of each, and the required backflow preventer(s);

(ii) Inventory information on:

(A) Approved air gaps installed in lieu of approved assemblies including exact air gap location, assessed degree of hazard, installation date, history of inspections, inspection results, and person conducting inspections;

(B) Approved backflow assemblies including exact assembly location, assembly description (type, manufacturer, model, size, and serial number), assessed degree of hazard, installation date, history of inspections, tests and repairs, test results, and person performing tests; and

(C) Approved AVBs used for irrigation system applications including location, description (manufacturer, model, and size), installation date, history of inspection(s), and person performing inspection(s).

(iii) Cross-connection program summary reports and backflow incident reports required under subsection (8) of this section.

(k) Element 10: Purveyors who distribute and/or have facilities that receive reclaimed water within their water service area shall meet any additional cross-connection control requirements imposed by the department under a permit issued in accordance with chapter 90.46 RCW.

(4) Approved backflow preventer selection.

(a) The purveyor shall ensure that a CCS:

(i) Assesses the degree of hazard posed by the consumer's water system upon the purveyor's distribution system; and

(ii) Determines the appropriate method of backflow protection for premises isolation in accordance with Table 8.

TABLE 8
APPROPRIATE METHODS OF BACKFLOW PROTECTION FOR PREMISES ISOLATION

Degree of Hazard	Application Condition	Appropriate Approved Backflow Preventer
High health cross-connection hazard	Backsiphonage or backpressure backflow	AG, RPBA, or RPDA
Low health cross-connection hazard	Backsiphonage or backpressure backflow	AG, RPBA, RPDA, DCVA, or DCDA

(b) Premises isolation requirements.

(i) For service connections with remises posing a high health cross-connection hazard including, but not limited to, those premises listed in Table 9, the purveyor shall ensure that an approved air gap or RPBA is installed for premises isolation.

(ii) If the purveyor's CCS determines that no hazard exists for a connection serving premises of the type listed in Table 9, the requirements of (b)(i) of this subsection do not apply.

(iii) The purveyor shall document, on a case-by-case basis, the reasons for not applying the requirements of (b)(i) of this subsection to a connection serving premises of the type listed in Table 9 and include such documentation in the cross-connection control program summary report required in subsection (8) of this section.

TABLE 9
HIGH HEALTH CROSS-CONNECTION HAZARD PREMISES REQUIRING PREMISES ISOLATION BY AG OR RPBA

Agricultural (farms and dairies)
Beverage bottling plants
Car washes
Chemical plants
Commercial laundries and dry cleaners
Premises where both reclaimed water and potable water are provided
Film processing facilities
Food processing plants
Hospitals, medical centers, nursing homes, veterinary, medical and dental clinics, and blood plasma centers
Premises with separate irrigation systems using the purveyor's water supply and with chemical addition+
Laboratories
Metal plating industries
Mortuaries
Petroleum processing or storage plants
Piers and docks
Radioactive material processing plants or nuclear reactors*
Survey access denied or restricted
Wastewater lift stations and pumping stations
Wastewater treatment plants*
Premises with an unapproved auxiliary water supply interconnected with the potable water supply

\+ For example, parks, playgrounds, golf courses, cemeteries, estates, etc.

* RPBAs for connections serving these premises are acceptable only when used in combination with an in-plant approved air gap; otherwise, the purveyor shall require an approved air gap at the service connection.

(c) Backflow protection for single-family residences.

(i) For single-family residential service connections, the purveyor shall comply with the requirements of (b) of this subsection when applicable.

(ii) If the requirements of (b) of this subsection do not apply and the requirements specified in subsection (2)(h) of this section are met, the purveyor may rely on backflow protection provided at the point of hazard in accordance with WAC 51-56-0600 of the UPC for hazards such as, but not limited to:

(A) Irrigation systems;

(B) Swimming pools or spas;

(C) Ponds; and

(D) Boilers.

For example, the purveyor may accept an approved AVB on a residential irrigation system, if the AVB is properly installed in accordance with the UPC.

(d) Backflow protection for fire protection systems.

(i) Backflow protection is not required for residential flow-through or combination fire protection systems constructed of potable water piping and materials.

(ii) For service connections with fire protection systems other than flow-through or combination systems, the purveyor shall ensure that backflow protection consistent with WAC 51-56-0600 of the UPC is installed. The UPC requires minimum protection as follows:

(A) An RPBA or RPDA for fire protection systems with chemical addition or using unapproved auxiliary water supply; and

(B) A DCVA or DCDA for all other fire protection systems.

(iii) For new connections made on or after the effective date of these regulations, the purveyor shall ensure that backflow protection is installed before water service is provided.

(iv) For existing fire protection systems:

(A) With chemical addition or using unapproved auxiliary supplies, the purveyor shall ensure that backflow protection is installed within ninety days of the purveyor notifying the consumer of the high health cross-connection hazard or in accordance with an alternate schedule acceptable to the purveyor.

(B) Without chemical addition, without on-site storage, and using only the purveyor's water (i.e., no unapproved auxiliary supplies on or available to the premises), the purveyor shall ensure that backflow protection is installed in accordance with a schedule acceptable to the purveyor or at an earlier date if required by the agency administering the Uniform Building Code as adopted under chapter 19.27 RCW.

(C) When establishing backflow protection retrofitting schedules for fire protection systems that have the characteristics listed in (d)(iv)(B) of this subsection, the purveyor may consider factors such as, but not limited to, impacts of assembly installation on sprinkler performance, costs of retrofitting, and difficulty of assembly installation.

(e) Purveyors may require backflow preventers commensurate with the degree of hazard determined by the purveyor to be installed for premises isolation for connections serving premises that have characteristics such as, but not limited to, the following:

(i) Complex plumbing arrangements or plumbing potentially subject to frequent changes that make it impracticable to assess whether cross-connection hazards exist;

(ii) A repeated history of cross-connections being established or reestablished; or

(iii) Cross-connection hazards are unavoidable or not correctable, such as, but not limited to, tall buildings.

(5) Approved backflow preventers.

(a) The purveyor shall ensure that all backflow prevention assemblies relied upon by the purveyor are models included on the current list of backflow prevention assemblies approved for use in Washington state. The current approved assemblies list is available from the department upon request.

(b) The purveyor may rely on testable backflow prevention assemblies that are not currently approved by the department, if the assemblies:

(i) Were included on the department and/or USC list of approved backflow prevention assemblies at the time of installation;

(ii) Have been properly maintained;

(iii) Are commensurate with the purveyor's assessed degree of hazard; and

(iv) Have been inspected and tested at least annually and have successfully passed the annual tests.

(c) The purveyor shall ensure that an unlisted backflow prevention assembly is replaced by an approved assembly commensurate with the degree of hazard, when the unlisted assembly:

(i) Does not meet the conditions specified in (b)(i) through (iv) of this subsection;

(ii) Is moved; or

(iii) Cannot be repaired using spare parts from the original manufacturer.

(d) The purveyor shall ensure that AVBs meet the definition of approved atmospheric vacuum breakers as described in WAC 246-290-010.

(6) Approved backflow preventer installation.

(a) The purveyor shall ensure that approved backflow preventers are installed in the orientation for which they are approved (if applicable).

(b) The purveyor shall ensure that approved backflow preventers are installed in a manner that:

(i) Facilitates their proper operation, maintenance, inspection, and/or in-line testing (as applicable) using standard installation procedures acceptable to the department such as those in the USC Manual or PNWS-AWWA Manual;

(ii) Ensures that the assembly will not become submerged due to weather-related conditions such as flooding; and

(iii) Ensures compliance with all applicable safety regulations.

(c) The purveyor shall ensure that approved backflow assemblies for premises isolation are installed at a location adjacent to the meter or property line or an alternate location acceptable to the purveyor.

(d) When premises isolation assemblies are installed at an alternate location acceptable to the purveyor, the purveyor shall ensure that there are no connections between the point of delivery from the public water system and the approved backflow assembly, unless the installation of such a connection meets the purveyor's cross-connection control requirements and is specifically approved by the purveyor.

(e) The purveyor shall ensure that approved backflow preventers are installed in accordance with the following time frames:

(i) For new connections made on or after the effective date of these regulations, the following conditions shall be met before service is provided:

(A) The provisions of subsection (3)(d)(ii) of this section; and

(B) Satisfactory completion of a test by a BAT in accordance with subsection (7) of this section.

(ii) For existing connections where the purveyor identifies a high health cross-connection hazard, the provisions of (3)(d)(ii) of this section shall be met:

(A) Within ninety days of the purveyor notifying the consumer of the high health cross-connection hazard; or

(B) In accordance with an alternate schedule acceptable to the purveyor.

(iii) For existing connections where the purveyor identifies a low health cross-connection hazard, the provisions of subsection (3)(d)(ii) of this section shall be met in accordance with a schedule acceptable to the purveyor.

(f) The purveyor shall ensure that bypass piping installed around any approved backflow preventer is equipped with an approved backflow preventer that:

(i) Affords at least the same level of protection as the approved backflow preventer that is being bypassed; and

(ii) Complies with all applicable requirements of this section.

(7) Approved backflow preventer inspection and testing.

(a) The purveyor shall ensure that:

(i) A CCS inspects backflow preventer installations to ensure that protection is provided commensurate with the assessed degree of hazard;

(ii) Either a BAT or CCS inspects:

(A) Air gaps installed in lieu of approved backflow prevention assemblies for compliance with the approved air gap definition; and

(B) Backflow prevention assemblies for correct installation and approval status.

(iii) A BAT tests approved backflow prevention assemblies for proper operation.

(b) The purveyor shall ensure that inspections and/or tests of approved air gaps and approved backflow assemblies are conducted:

(i) At the time of installation;

(ii) Annually after installation, or more frequently, if required by the purveyor for connections serving premises or systems that pose a high health cross-connection hazard or for assemblies that repeatedly fail;

(iii) After a backflow incident; and

(iv) After an assembly is repaired, reinstalled, or relocated or an air gap is replumbed.

(c) The purveyor shall ensure that inspections of AVBs installed on irrigation systems are conducted:

(i) At the time of installation;

(ii) After a backflow incident; and

(iii) After repair, reinstallation, or relocation.

(d) The purveyor shall ensure that approved backflow prevention assemblies are tested using procedures acceptable to the department, such as those specified in the most recently published edition of the USC Manual. When circumstances, such as, but not limited to, configuration or location of the assembly, preclude the use of USC test procedures, the purveyor may allow, on a case-by-case basis, the use of alternate (non-USC) test procedures acceptable to the department.

(e) The purveyor shall ensure that results of backflow prevention assembly inspections and tests are documented and reported in a manner acceptable to the purveyor.

(f) The purveyor shall ensure that an approved backflow prevention assembly or AVB, whenever found to be improperly installed, defective, not commensurate with the degree of hazard, or failing a test (if applicable) is properly reinstalled, repaired, overhauled, or replaced.

(g) The purveyor shall ensure that an approved air gap, whenever found to be altered or improperly installed, is properly replumbed or, if commensurate with the degree of hazard, is replaced by an approved RPBA.

(8) Recordkeeping and reporting.

(a) Purveyors shall keep cross-connection control records for the following time frames:

(i) Records pertaining to the master list of service connections and/or consumer's premises required in subsection (3)(j)(i) of this section shall be kept as long as the premises pose a cross-connection hazard to the purveyor's distribution system;

(ii) Records regarding inventory information required in subsection (3)(j)(ii) of this section shall be kept for five years or for the life of the approved backflow preventer whichever is shorter; and

(iii) Records regarding backflow incidents and annual summary reports required in subsection (3)(j)(iii) of this section shall be kept for five years.

(b) Purveyors may maintain cross-connection control records in original form or transfer data to tabular summaries.

(c) Purveyors may maintain records or data in any media, such as paper, film, or electronic format.

(d) The purveyor shall complete the cross-connection control program summary report annually. Report forms and guidance on completing the report are available from the department.

(e) The purveyor shall make all records and reports required in subsection (3)(j) of this section available to the department or its representative upon request.

(f) The purveyor shall notify the department, local administrative authority, and local health jurisdiction as soon as possible, but no later than the end of the next business day, when a backflow incident is known by the purveyor to have:

(i) Contaminated the public water system; or

(ii) Occurred within the premises of a consumer served by the purveyor.

(g) The purveyor shall:

(i) Document details of backflow incidents on a form acceptable to the department such as the backflow incident report form included in the most recent edition of the PNWS-AWWA Manual; and

(ii) Include all backflow incident report(s) in the annual cross-connection program summary report referenced in (d) of this subsection, unless otherwise requested by the department.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-490, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-490, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-290-490, filed 12/27/90, effective 1/31/91. Statutory Authority: P.L. 99-339. 89-21-020 (Order 336), § 248-54-285, filed 10/10/89, effective 11/10/89. Statutory Authority: RCW 34.04.045. 88-05-057 (Order 307), § 248-54-285, filed 2/17/88. Statutory Authority: RCW 43.20.050. 83-19-002 (Order 266), § 248-54-285, filed 9/8/83.]

WAC 246-290-495 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-290-601 Purpose of surface water treatment. (1) Part 6 of chapter 246-290 WAC establishes filtration and disinfection as treatment technique requirements for water systems using surface or GWI sources. The Part 6 treatment technique requirements are established in lieu of maximum contaminant levels (MCLs) for the following contaminants:

(a) *Giardia lamblia*;

(b) Viruses;

(c) Heterotrophic plate count bacteria;

(d) *Legionella*;

(e) *Cryptosporidium* for systems serving at least ten thousand people; and

(f) Turbidity.

(2) For water systems using unfiltered surface sources, in whole or part, and that have been required to install, but have yet to complete the installation and operation of, filtration facilities, the turbidity levels at entry points to distribution and sampling/analytical requirements shall be in accordance with 40 CFR 141.13 and 40 CFR 141.22, respectively.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-601, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-601, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 93-08-011 (Order 352B), § 246-290-601, filed 3/25/93, effective 4/25/93.]

WAC 246-290-630 General requirements. (1) The purveyor shall ensure that treatment is provided for surface and GWI sources consistent with the treatment technique requirements specified in Part 6 of chapter 246-290 WAC.

(2) The purveyor shall install and properly operate water treatment processes to ensure at least:

(a) 99.9 percent (3 log) removal and/or inactivation of *Giardia lamblia* cysts;

(b) 99.99 percent (4 log) removal and/or inactivation of viruses; and

(c) 99 percent (2 log) removal of *Cryptosporidium* oocysts if required to filter.

(3) The purveyor shall ensure that the requirements of subsection (2) of this section are met between a point where the source water is not subject to contamination by untreated surface water and a point at or before the first consumer.

(4) The department may require higher levels of removal and/or inactivation of *Giardia lamblia* cysts, *Cryptosporidium* oocysts, and viruses than specified in subsection (2) of this section if deemed necessary to protect the health of consumers served by the system.

(5) The purveyor shall ensure that personnel operating a system subject to Part 6 of chapter 246-290 WAC meet the requirements under chapter 70.119 RCW and chapter 246-292 WAC.

(6) The purveyor of a **Group A community** system serving water from a surface or GWI source to the public before January 1, 1991, shall comply with applicable minimum treatment requirements. The purveyor shall meet either:

(a) The filtration and disinfection requirements under WAC 246-290-660 and 246-290-662 respectively;

(b) The criteria to remain unfiltered under WAC 246-290-690 and the disinfection requirements under WAC 246-290-692; or

(c) The criteria to provide a limited alternative to filtration under WAC 246-290-691 and the disinfection requirements under WAC 246-290-692.

(7) The purveyor of a **Group A noncommunity** system serving water from a surface or GWI source, shall meet either:

(a) The filtration and disinfection requirements under WAC 246-290-660 and 246-290-662, respectively; or

(b) The criteria to provide a limited alternative to filtration under WAC 246-290-691 and the disinfection requirements under WAC 246-290-692.

(8) The purveyor of a **Group A** system first serving water from a surface or GWI source to the public after December 31, 1990, shall meet either:

(a) The filtration and disinfection requirements under WAC 246-290-660 and 246-290-662, respectively; or

(b) The criteria to provide a limited alternative to filtration under WAC 246-290-691 and the disinfection requirements under WAC 246-290-692.

(9) The purveyor of a system required to install filtration may choose to provide a limited alternative to filtration or abandon the surface or GWI source as a permanent or seasonal source and develop an alternate, department-approved source. Purveyors that develop alternate ground water sources or purchase water from a department-approved public water system using a ground water source shall no longer be subject to Part 6 of chapter 246-290 WAC, once the alternate source is approved by the department and is on line.

(10) A purveyor that chooses to provide a limited alternative to filtration shall submit an application to the department that contains the information necessary to determine whether the source can meet the criteria.

(11) If a limited alternative to filtration is provided, then the purveyor shall install and properly operate treatment processes to ensure greater removal and/or inactivation efficiencies of *Giardia lamblia* cysts, viruses, or other pathogenic organisms of public health concern (including *Cryptosporidium* oocysts) than would be achieved by the combination of filtration and chlorine disinfection.

(12) Systems that were required to develop a disinfection profile under 40 CFR 141.172 shall provide that profile and a calculated disinfection benchmark, as described in 40 CFR 141.172 (c)(2) and (3), along with other project information specified in WAC 246-290-110, when proposing any change to the disinfection treatment system. The proposal for change shall include an analysis of how the proposed change will affect the current level of disinfection. The profile must also be available for inspection during routine sanitary surveys conducted under WAC 246-290-416.

(13) A system using conventional, direct, or in-line filtration that must arrange for the conduct of a comprehensive performance evaluation (CPE), in accordance with 40 CFR 141.175 (b)(4), may be required to arrange for comprehensive technical assistance (CTA). The department will determine the need for CTA on a case-by-case basis.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-630, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.20.050. 99-07-021 and 99-10-076, § 246-290-630, filed 3/9/99 and 5/4/99, effective 4/9/99 and 6/4/99; 93-08-011 (Order 352B), § 246-290-630, filed 3/25/93, effective 4/25/93.]

WAC 246-290-634 Follow-up to treatment technique violations. When a treatment technique violation occurs, the purveyor:

(1) Shall report to the department in accordance with:

(a) WAC 246-290-666 for purveyors providing filtration or required to filter;

(b) WAC 246-290-674 for purveyors installing filtration; or

(c) WAC 246-290-696 for purveyors meeting the criteria to remain unfiltered or providing a limited alternative to filtration;

(2) Shall notify the public in accordance with Part 7, Subpart A of this chapter;

(3) Shall determine the cause of the violation;

(4) Shall take action as directed by the department; and

(5) May be subject to enforcement under WAC 246-290-050.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-634, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-634, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 93-08-011 (Order 352B), § 246-290-634, filed 3/25/93, effective 4/25/93.]

WAC 246-290-638 Analytical requirements. (1) The purveyor shall ensure that only qualified persons conduct measurements for pH, temperature, turbidity, and residual disinfectant concentrations. In this section, qualified shall mean:

(a) A person certified under chapter 246-292 WAC;

(b) An analyst, with experience conducting these measurements, from the state public health laboratory or another laboratory certified by the department; or

(c) A state or local health agency professional experienced in conducting these measurements.

(2) The purveyor shall ensure that measurements for temperature, turbidity, pH, and residual disinfectant concentration are made in accordance with "standard methods," or other EPA approved methods.

(3) The purveyor shall ensure that samples for coliform and HPC analysis are:

(a) Collected and transported in accordance with department-approved methods; and

(b) Submitted to the state public health laboratory or another laboratory certified by the department to conduct the analyses.

(4) Turbidity monitoring.

(a) The purveyor shall equip the system's water treatment facility laboratory with a:

(i) Bench model turbidimeter; and

(ii) Continuous turbidimeter and recorder if required under WAC 246-290-664 or 246-290-694.

(b) The purveyor shall ensure that bench model and continuous turbidimeters are:

(i) Designed to meet the criteria in "standard methods," EPA Method 180.1, or Great Lakes Instruments Method 2; and

(ii) Properly operated, calibrated, and maintained at all times in accordance with the manufacturer's recommendations.

(c) The purveyor shall validate continuous turbidity measurements for accuracy as follows:

(i) Calibrate turbidity equipment based upon a primary standard in the expected range of measurements; and

(ii) Verify continuous turbidimeter performance on a weekly basis, not on consecutive days, with grab sample measurements made using a properly calibrated bench model turbidimeter.

(d) When continuous turbidity monitoring equipment fails, the purveyor shall measure turbidity on grab samples collected at least every four hours from the combined filter effluent and individual filters while the system serves water to the public and the equipment is being repaired or replaced. The purveyor shall have continuous monitoring equipment on-line within five working days of failure.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-638, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-638, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 93-08-011 (Order 352B), § 246-290-638, filed 3/25/93, effective 4/25/93.]

WAC 246-290-654 Treatment criteria for filtered systems. (1) The purveyor shall operate filters so that maximum flow rates do not exceed those specified in Table 10. The purveyor may operate filters at higher flow rates, if the purveyor demonstrates to the department's satisfaction that filtration at the higher rate consistently achieves at least 99 percent (2 log) removal of *Giardia lamblia* cysts and 99 percent (2 log) removal of *Cryptosporidium* oocysts and meets the turbidity performance requirements of Table 11.

Table 10
FILTRATION OPERATION CRITERIA

FILTRATION TECHNOLOGY/MEDIA	MAXIMUM FILTRATION RATE (gpm/ft^2)
Conventional, Direct and In-Line	
Gravity Filters with Single Media	3
Gravity Filters with Deep Bed, Dual or Mixed Media	6
Pressure Filters with Single Media	2
Pressure Filters with Deep Bed, Dual or Mixed Media	3
Slow Sand	0.1
Diatomaceous Earth	1.0

(2) The purveyor using conventional, direct or in-line filtration shall ensure that effective coagulation is in use at all times the water treatment facility produces water served to the public.

(3) The purveyor using conventional, direct, or in-line filtration shall demonstrate treatment effectiveness for *Giardia lamblia* cyst and *Cryptosporidium* oocyst removal by one of the following methods:

(a) Turbidity reduction method.

(i) The purveyor shall make source and filtered water turbidity measurements in accordance with WAC 246-290-664 (2) and (3) respectively.

(ii) The purveyor shall achieve:

(A) The turbidity performance requirements specified in WAC 246-290-660(1) and at least an eighty percent reduction in source turbidity based on an average of the daily turbidity reductions measured in a calendar month; or

(B) An average daily filtered water turbidity less than or equal to 0.1 NTU.

(b) Particle counting method. The purveyor shall:

(i) Use a particle counting protocol acceptable to the department; and

(ii) Demonstrate at a frequency acceptable to the department at least the following log reduction of particles in the size range of five to fifteen microns (*Giardia lamblia* cyst-sized particles) and three to five microns (*Cryptosporidium* oocyst-sized particles), as applicable:

(A) 2.5 log reduction in *Giardia lamblia* cyst-sized particles and a 2 log reduction in *Cryptosporidium* particles for systems using conventional filtration; or

(B) 2.0 log reduction for systems using direct or in-line filtration.

(c) Microscopic particulate analysis method. The purveyor shall:

(i) Use a protocol acceptable to the department; and

(ii) Demonstrate at a frequency acceptable to the department at least the following log reduction of *Giardia lamblia* cysts and *Cryptosporidium* oocysts or *Giardia lamblia* cyst and *Cryptosporidium* oocyst surrogate indicators as applicable:

(A) 2.5 log reduction in *Giardia lamblia* cysts or surrogates and a 2 log reduction in *Cryptosporidium* oocyst or surrogates for systems using conventional filtration; and

(B) 2.0 log reduction for systems using direct or in-line filtration.

(d) Other methods acceptable to the department.

(4) The purveyor shall ensure continuous disinfection of all water delivered to the public and shall:

(a) Maintain an adequate supply of disinfection chemicals and keep back-up system components and spare parts on hand;

(b) Develop, maintain, and post at the water treatment facility a plan detailing:

(i) How water delivered to the public will be continuously and adequately disinfected; and

(ii) The elements of an emergency notification plan to be implemented whenever the residual disinfectant concentration at entry to distribution falls below 0.2 mg/L for more than one hour.

(c) Implement the plan during an emergency affecting disinfection.

(5) Operations program.

(a) For each water treatment facility treating a surface or GWI source, the purveyor shall develop an operations program and make it available to the department for review upon request.

(b) The program shall be submitted to the department as an addendum to the purveyor's water system plan (WAC 246-290-100) or small water system management program (WAC 246-290-105).

(c) The program shall detail how the purveyor will produce optimal filtered water quality at all times the water treatment facility produces water to be served to the public.

(d) The purveyor shall operate the water treatment facility in accordance with the operations program.

(e) The operations program shall include, but not be limited to, a description of:

(i) For conventional, direct or in-line filtration, procedures used to determine and maintain optimized coagulation as demonstrated by meeting the requirements of WAC 246-290-654(3);

(ii) Procedures used to determine chemical dose rates;

(iii) How and when each unit process is operated;

(iv) Unit process equipment maintenance program;

(v) Treatment plant performance monitoring program;

(vi) Laboratory procedures;

(vii) Records;

(viii) Reliability features; and

(ix) Response plans for water treatment facility emergencies, including disinfection failure and watershed emergencies.

(f) The purveyor shall ensure the operations program is:

(i) Readily available at the water treatment facility for use by operators and for department inspection;

(ii) Consistent with department guidelines for operations procedures such as those described in department guidance on surface water treatment and water system planning; and

(iii) Updated as needed to reflect current water treatment facility operations.

(6) Pressure filters. Purveyors using pressure filters shall:

(a) Inspect and evaluate the filters, at least every six months, for conditions that would reduce their effectiveness in removing *Giardia lamblia* cysts;

(b) Maintain, and make available for department review, a written record of pressure filter inspections; and

(c) Be prepared to conduct filter inspections in the presence of a department representative, if requested.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-654, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-654, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 94-14-001, § 246-290-654, filed 6/22/94, effective 7/23/94; 93-08-011 (Order 352B), § 246-290-654, filed 3/25/93, effective 4/25/93.]

WAC 246-290-660 Filtration. (1) Turbidity performance requirements.

(a) The purveyor shall ensure that the turbidity level of representative filtered water samples:

(i) Complies with the performance standards in Table 11; and

(ii) Never exceeds 5.0 NTU for any system using slow sand, diatomaceous earth, or for any system serving less than ten thousand people and using conventional, direct, or in-line filtration.

(iii) Never exceeds 1.0 NTU for any system serving at least ten thousand people and using conventional, direct, or in-line filtration.

(iv) Never exceeds the maximum allowable turbidity determined by the department on a case-by-case basis for any system using an alternate filtration technology approved under WAC 246-290-676 (2)(b).

Table 11
TURBIDITY PERFORMANCE REQUIREMENTS

Filtration Technology	Filtered water turbidity (in NTUs) shall be less than or equal to this value in at least 95% of the measurements made each calendar month	
	Systems serving < 10,000 people	Systems serving > 10,000 people
Conventional, Direct and In-line	0.50	0.30
Slow Sand	1.0	1.0
Diatomaceous Earth	1.0	1.0
Alternate Technology	As determined by the department through case-by-case approval of technology, in accordance with WAC 246-290-676 (2)(b).	

(b) The department may allow the turbidity of filtered water from a system using slow sand filtration to exceed 1.0 NTU, but never 5.0 NTU, if the system demonstrates to the department's satisfaction that the higher turbidity level will not endanger the health of consumers served by the system. As a condition of being allowed to produce filtered water with a turbidity exceeding 1.0 NTU, the purveyor may be required to monitor one or more parameters in addition to the parameters specified under WAC 246-290-664. The department shall notify the purveyor of the type and frequency of monitoring to be conducted.

(2) *Giardia lamblia, Cryptosporidium*, and virus removal credit.

(a) The department shall notify the purveyor of the removal credit granted for the system's filtration process. The department shall specify removal credit for:

(i) Existing filtration facilities based on periodic evaluations of performance and operation; and

(ii) New or modified filtration facilities based on results of pilot plant studies or full scale operation.

(b) Conventional, direct, and in-line filtration.

(i) The removal credit the department may grant to a system using conventional, direct, or in-line filtration and demonstrating effective treatment is as follows:

	Percent Removal Credit (log)					
Filtration Technology	*Giardia*		Virus		*Cryptosporidium*	
	Percent	log	Percent	log	Percent	log
Conventional	99.7	2.5	99	2.0	99	2.0
Direct and in-line	99	2.0	90	1.0	99	2.0

(ii) A system using conventional, direct, or in-line filtration shall be considered to provide effective treatment, if the purveyor demonstrates to the satisfaction of the department that the system meets the:

(A) Turbidity performance requirements under subsection (1) of this section; and

(B) Operations requirements of WAC 246-290-654.

(iii) The department may grant a higher level of *Giardia lamblia, Cryptosporidium*, and virus removal credit than listed under (b)(i) of this subsection, if the purveyor demonstrates to the department's satisfaction that the higher level can be consistently achieved.

(iv) As a condition of maintaining the maximum removal credit, purveyors may be required to periodically monitor one or more parameters not routinely monitored under WAC 246-290-664. The department shall notify the purveyor of the type and frequency of monitoring to be conducted.

(v) The department shall not grant removal credit to a system using conventional, direct, or in-line filtration that:

(A) Fails to meet the minimum turbidity performance requirements under subsection (1) of this section; or

(B) Fails to meet the operating requirements under WAC 246-290-654.

(c) Slow sand filtration.

The department may grant a system using slow sand filtration 99 percent (2 log) *Giardia lamblia* cyst and *Cryptosporidium* oocyst removal credit and 99 percent (2 log) virus removal credit, if the system meets the department design requirements under WAC 246-290-676 and meets the minimum turbidity performance requirements in subsection (1) of this section.

(d) Diatomaceous earth filtration.

The department may grant a system using diatomaceous earth filtration 99 percent (2 log) *Giardia lamblia* cyst and *Cryptosporidium* oocyst removal credit and 90 percent (1 log) virus removal credit, if the system meets the department design requirements under WAC 246-290-676 and meets the minimum turbidity performance requirements in subsection (1) of this section.

(e) Alternate filtration technology.

The department shall grant, on a case-by-case basis, *Giardia lamblia* cyst, *Cryptosporidium* oocyst, and virus removal credit for systems using alternate filtration technology based on results of product testing acceptable to the department.

(f) The purveyor granted no *Giardia lamblia* cyst removal credit and no *Cryptosporidium* oocyst removal credit shall:

(i) Provide treatment in accordance with WAC 246-290-662 (2)(d); and

(ii) Within ninety days of department notification regarding removal credit, submit an action plan to the department for review and approval. The plan shall:

(A) Detail how the purveyor plans to comply with the turbidity performance requirements in subsection (1) of this section and operating requirements of WAC 246-290-654; and

(B) Identify the proposed schedule for implementation.

(iii) Be considered in violation of the treatment technique specified in WAC 246-290-632 (2)(a)(i) and shall take follow-up action specified in WAC 246-290-634.

(3) Disinfection by-product precursor removal requirements.

(a) Conventional systems using sedimentation shall meet the treatment technique requirements for control of disinfection by-product precursors specified in 40 CFR 141.135.

(i) Applicability of this requirement shall be determined in accordance with 40 CFR 141.135(a).

(ii) Enhanced coagulation shall be provided in accordance with 40 CFR 141.135(b), if applicable.

(iii) Compliance with the treatment technique requirements for control of disinfection by-product precursors shall be determined in accordance with 40 CFR 141.135(c).

(b) For the purposes of compliance with (a) of this subsection, sedimentation shall be considered applicable when:

(i) Surface overflow rates and other design parameters are in conformance with traditionally accepted industry standards and textbook values, such as those prescribed in nationally accepted standards, including the most recent version of the *Recommended Standards for Water Works, A Committee Report of the Great Lakes - Upper Mississippi River Board of State Public Health and Environmental Managers*; and

(ii) The system has received pathogen removal credit for the sedimentation basin.

(4) Filter backwash recycling requirements.

(a) By no later than December 8, 2003, purveyors using conventional, direct, or in-line filtration must **report** to the department, in writing, whether they recycle spent filter backwash water, thickener supernatant, or liquids from dewatering processes within the treatment plant.

(i) Purveyors that **do** recycle spent filter backwash water, thickener supernatant, or liquids from dewatering processes must also report the following information:

(A) A plant schematic showing the origin of all flows that are recycled (including, but not limited to, spent filter backwash water, thickener supernatant, and liquids from dewatering processes), the hydraulic conveyance (i.e., pipe, open channel) used to transport them, and the location where they are reintroduced back into the treatment plant.

(B) Typical recycle flow in gallons per minute (gpm), the highest observed plant flow experienced in the previous year (gpm), design flow for the treatment plant (gpm), and the approved operating capacity for the plant.

(b) By no later than June 8, 2004, purveyors using conventional, direct, or in-line filtration that recycle spent filter backwash water, thickener supernatant, or liquids from dewatering processes within the treatment plant shall:

(i) Return the recycled flow prior to, or concurrent with the location where primary coagulant is introduced into the flow stream.

(ii) By no later than June 8, 2006, complete any capital improvements (physical modifications requiring engineering planning, design, and construction) necessary to meet the requirements of (b)(i) of this subsection.

(iii) On a case-by-case basis, the department may approve an alternate location for the return of recycle flows.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-660, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-660, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 94-14-001, § 246-290-660, filed 6/22/94, effective 7/23/94; 93-08-011 (Order 352B), § 246-290-660, filed 3/25/93, effective 4/25/93.]

WAC 246-290-662 Disinfection for filtered systems. (1) General requirements.

(a) The purveyor shall provide continuous disinfection to ensure that filtration and disinfection together achieve, at all times the system serves water to the public, at least the following:

(i) 99.9 percent (3 log) inactivation and removal of *Giardia lamblia* cysts; and

(ii) 99.99 percent (4 log) inactivation and/or removal of viruses.

(b) Where sources receive sewage discharges and/or agricultural runoff, purveyors may be required to provide greater levels of removal and inactivation of *Giardia lamblia* cysts and viruses to protect the health of consumers served by the system.

(c) Regardless of the removal credit granted for filtration, purveyors shall, at a minimum, provide continuous disinfection to achieve at least 68 percent (0.5 log) inactivation of *Giardia lamblia* cysts and 99 percent (2 log) inactivation of viruses.

(2) Establishing the level of inactivation.

(a) The department shall establish the level of disinfection (log inactivation) to be provided by the purveyor.

(b) The required level of inactivation shall be based on source quality and expected levels of *Giardia lamblia* cyst and virus removal achieved by the system's filtration process.

(c) Based on periodic reviews, the department may adjust, as necessary, the level of disinfection the purveyor shall provide to protect the health of consumers served by the system.

(d) Systems granted no *Giardia lamblia* cyst removal credit and no *Cryptosporidium* oocyst removal credit shall:

(i) Unless directed otherwise by the department, provide interim disinfection to:

(A) Ensure compliance with the monthly coliform MCL under WAC 246-290-310;

(B) Achieve at least 99.9 percent (3 log) inactivation of *Giardia lamblia* cysts; and

(C) Maintain a detectable residual disinfectant concentration, or an HPC level less than 500 organisms/ml, within the distribution system in accordance with subsection (6) of this section.

(ii) Comply with the interim disinfection requirements until the system can demonstrate to the department's satisfaction that it complies with the operating requirements and turbidity performance requirements under WAC 246-290-654 and 246-290-660(1), respectively.

(3) Determining the level of inactivation.

(a) Unless the department has approved a reduced CT monitoring schedule for the system, each day the system serves water to the public, the purveyor, using procedures and CT values acceptable to the department such as those presented in department guidance of surface water treatment, shall determine:

(i) CTcalc values using the system's treatment parameters and calculate the total inactivation ratio achieved by disinfection; and

(ii) Whether the system's disinfection process is achieving the minimum levels of inactivation of *Giardia lamblia* cysts and viruses required by the department.

(b) The department may allow a purveyor to determine the level of inactivation using lower CT values than those specified in (a) of this subsection, provided the purveyor demonstrates to the department's satisfaction that the required levels of inactivation of *Giardia lamblia* cysts and viruses can be achieved.

(4) Determining compliance with the required level of inactivation.

(a) A purveyor shall be considered in compliance with the inactivation requirement when a total inactivation ratio equal to or greater than 1.0 is achieved.

(b) Failure to provide the required level of inactivation on more than one day in any calendar month shall be considered a treatment technique violation.

(5) Residual disinfectant concentration entering the distribution system.

(a) The purveyor shall ensure that all water entering the distribution system contains a residual disinfectant concentration, measured as free or combined chlorine, of at least 0.2 mg/L at all times the system serves water to the public; and

(b) Failure to provide a 0.2 mg/L residual at entry to distribution for more than four hours on any day shall be considered a treatment technique violation.

(6) Residual disinfectant concentration within the distribution system.

(a) The purveyor shall ensure that the residual disinfectant concentration in the distribution system, measured as total chlorine, free chlorine, combined chlorine, or chlorine dioxide, is detectable in at least ninety-five percent of the samples taken each calendar month.

(b) Water in the distribution system with an HPC less than or equal to 500 organisms/ml is considered to have a detectable residual disinfectant concentration for the purposes of compliance with WAC 246-290-662 (6)(a).

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-662, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-662, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 94-14-001, § 246-290-662, filed 6/22/94, effective 7/23/94; 93-08-011 (Order 352B), § 246-290-662, filed 3/25/93, effective 4/25/93.]

WAC 246-290-664 Monitoring for filtered systems. (1) Source coliform monitoring.

(a) The purveyor shall ensure that source water samples of each surface or GWI source are:

(i) Collected before the first point of disinfectant application and before coagulant chemical addition; and

(ii) Analyzed for fecal coliform density in accordance with methods acceptable to the department.

(b) At a minimum, the purveyor shall ensure source samples are collected for fecal coliform analysis at a frequency equal to ten percent of the number of routine coliform samples collected within the distribution system each month under WAC 246-290-300, or once per calendar month, whichever is greater up to a maximum of one sample per day.

(2) Source turbidity monitoring.

(a) The purveyor using conventional, direct, or in-line filtration shall measure source turbidity at least once per day on a representative sample collected before disinfection and coagulant addition.

(b) Grab sampling or continuous turbidity monitoring and recording may be used to meet the requirement specified in (a) of this subsection.

(c) Purveyors using continuous turbidity monitoring shall record continuous turbidity measurements at equal intervals, at least every four hours, in accordance with a department-approved sampling schedule.

(d) Purveyors using an approved alternate filtration technology may be required to monitor source water turbidity at least once per day on a representative sample as determined by the department.

(3) Filtered water turbidity monitoring.

(a) The purveyor using direct, conventional, or in-line filtration shall:

(i) Continuously monitor turbidity on representative samples from each individual filter unit and from the system's combined filter effluent, prior to clearwell storage;

(ii) For systems serving at least ten thousand people, record continuous turbidity measurements from each individual filter unit at equal intervals of at least every fifteen minutes, and for all systems, from the combined filter effluent at equal intervals of at least every four hours, in accordance with a department-approved sampling schedule; and

(iii) Conduct monitoring in accordance with the analytical techniques under WAC 246-290-638.

(b) The purveyor using slow sand or diatomaceous earth filtration shall:

(i) Continuously monitor turbidity on representative samples from each individual filter unit and from the system's combined filter effluent, prior to clearwell storage;

(ii) Record continuous turbidity measurements from the combined filter effluent at equal intervals of at least every four hours in accordance with a department-approved sampling schedule; and

(iii) Conduct monitoring in accordance with the analytical techniques under WAC 246-290-638.

(c) Purveyors using an alternate filtration technology approved under WAC 246-290-676 shall provide monitoring in accordance with the technology-specific approval conditions determined by the department.

(d) Purveyors using slow sand filtration or an alternate filtration technology may reduce filtered water turbidity monitoring to one grab sample per day with departmental approval. Reduced turbidity monitoring shall be allowed only where the purveyor demonstrates to the department's satisfaction that a reduction in monitoring will not endanger the health of consumers served by the water system.

(4) Monitoring the level of inactivation and removal.

(a) Each day the system is in operation, the purveyor shall determine the total level of inactivation and removal of *Giardia lamblia* cysts, viruses, and *Cryptosporidium* oocysts achieved.

(b) The purveyor shall determine the total level of inactivation and removal based on:

(i) *Giardia lamblia* cyst, *Cryptosporidium* oocyst, and virus removal credit granted by the department for filtration; and

(ii) Level of inactivation of *Giardia lamblia* cysts and viruses achieved through disinfection.

(c) At least once per day, purveyors shall monitor the following to determine the level of inactivation achieved through disinfection:

(i) Temperature of the disinfected water at each residual disinfectant concentration sampling point used for CT calculations; and

(ii) If using chlorine, pH of the disinfected water at each chlorine residual disinfectant concentration sampling point used for CT calculations.

(d) Each day during peak hourly flow (based on historical information), the purveyor shall:

(i) Determine disinfectant contact time, T, to the point at which C is measured; and

(ii) Measure the residual disinfectant concentration, C, of the water at the point for which T is calculated. The C measurement point shall be located before or at the first consumer.

(e) The department may reduce CT monitoring requirements for purveyors that demonstrate to the department's satisfaction that the required levels of inactivation are consistently exceeded. Reduced CT monitoring shall only be allowed where the purveyor demonstrates to the department's satisfaction that a reduction in monitoring will not endanger the health of consumers.

(5) Monitoring the residual disinfectant concentration entering the distribution system.

(a) Systems serving more than thirty-three hundred people per month.

(i) The purveyor shall continuously monitor and record the residual disinfectant concentration of water entering the distribution system and report the lowest value each day.

(ii) If the continuous monitoring equipment fails, the purveyor shall measure the residual disinfectant concentration on grab samples collected at least every four hours at the entry to the distribution system while the equipment is being repaired or replaced. The purveyor shall have continuous monitoring equipment back on-line within five working days following failure.

(b) Systems serving thirty-three hundred or less people per month.

(i) The purveyor shall collect grab samples or use continuous monitoring and recording to measure the residual disinfectant concentration entering the distribution system.

(ii) Purveyors of **community** systems choosing to take grab samples shall collect:

(A) Samples at the following minimum frequencies:

Population Served	Number/day
25 - 500	1
501 - 1,000	2
1,001 - 2,500	3
2,501 - 3,300	4

(B) At least one of the grab samples at peak hourly flow; and

(C) The remaining samples evenly spaced over the time the system is disinfecting water that will be delivered to the public.

(iii) Purveyors of **noncommunity** systems choosing to take grab samples shall collect samples for disinfectant residual concentration entering the distribution system as directed by the department.

(iv) When grab samples are collected and the residual disinfectant concentration at the entry to distribution falls below 0.2 mg/L, purveyors shall collect a grab sample every four hours until the residual disinfectant concentration is 0.2 mg/L or more.

(6) Monitoring residual disinfectant concentrations within the distribution system.

(a) The purveyor shall measure the residual disinfectant concentration at representative points within the distribution system on a daily basis or as otherwise approved by the department.

(b) At a minimum, the purveyor shall measure the residual disinfectant concentration within the distribution system at the same time and location that a routine or repeat coliform sample is collected in accordance with WAC 246-290-300(3) or 246-290-320(2).

(c) The purveyor may measure HPC within the distribution system in lieu of measuring the residual disinfectant concentration in accordance with this subsection.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-664, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-664, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 94-14-001, § 246-290-664, filed 6/22/94, effective 7/23/94; 93-08-011 (Order 352B), § 246-290-664, filed 3/25/93, effective 4/25/93.]

WAC 246-290-666 Reporting for filtered systems. (1) The purveyor shall notify the department, as soon as possible, but no later than twenty-four hours after the purveyor learns of the following events:

(a) A waterborne disease outbreak potentially attributable to the water system occurs;

(b) The turbidity of the combined filter effluent exceeds 5.0 NTU at any time for any system using slow sand, diatomaceous earth, or for any system serving less than ten thousand people and using conventional, direct, or in-line filtration;

(c) The turbidity of the combined filter effluent exceeds 1.0 NTU at any time for a system serving at least ten thousand people and using conventional, direct, or in-line filtration;

(d) The turbidity of the combined filter effluent exceeds the maximum specified level for an alternative filtration technology approved by the department;

(e) The residual disinfection concentration falls below 0.2 mg/L at the entry point to the distribution system. The purveyor shall also report whether the residual was restored to 0.2 mg/L or more within four hours; or

(f) An event occurs that may affect the ability of the water treatment facility to produce drinking water that complies with this chapter including, but not limited to:

(i) Spills of hazardous materials in the watershed; and

(ii) Treatment process failures.

(2) The purveyor shall report results of monitoring conducted in accordance with WAC 246-290-664 to the department. Monthly report forms shall be submitted within ten days after the end of each month the system served water to the public.

(3) The purveyor shall report, at a minimum, all the information requested by the department using a department-approved form or format including:

(a) Water treatment facility operations information;

(b) Turbidity monitoring results, including:

(i) Source monitoring, if required under WAC 246-290-664(2);

(ii) Combined filter effluent. Continuous measurements shall be reported at equal intervals, at least every four hours, in accordance with a department-approved schedule;

(iii) Individual filter turbidity monitoring results. Systems serving at least ten thousand people and using conven-

tional, direct, or in-line filtration shall report and take follow-up action as prescribed in 40 CFR 141.175(b). Required follow-up action may include development of a filter profile, a filter self-assessment, as described in 40 CFR 141.175 (b)(4), or the completion of a comprehensive performance evaluation (CPE).

(c) Disinfection monitoring information including:

(i) Level of inactivation achieved;

(ii) Residual disinfectant concentrations entering the distribution system; and

(iii) Residual disinfectant concentrations within the distribution system.

(d) Total level of removal and inactivation; and

(e) A summary of water quality complaints received from consumers served by the water system.

(4) A person certified under chapter 246-292 WAC shall complete and sign the monthly report forms required in this section.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-666, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-666, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 94-14-001, § 246-290-666, filed 6/22/94, effective 7/23/94; 93-08-011 (Order 352B), § 246-290-666, filed 3/25/93, effective 4/25/93.]

WAC 246-290-672 Interim treatment requirements. (1) Purveyors of existing unfiltered systems installing filtration shall provide interim disinfection treatment to:

(a) Ensure compliance with the monthly coliform MCL under WAC 246-290-310;

(b) Achieve inactivation levels of *Giardia lamblia* cysts on a daily basis each month the system serves water to the public as directed by the department; and

(c) Maintain a detectable residual disinfectant concentration in the distribution system, measured as total chlorine, free chlorine, or combined chlorine in 95 percent or more of the samples taken each calendar month. Water in the distribution system with an HPC level less than or equal to 500 organisms/ml is considered to have a detectable residual disinfectant concentration for the purposes of compliance with this subsection.

(2) Failure to provide the required level of inactivation in subsection (1)(b) of this section on more than one day in any calendar month shall be considered a treatment technique violation.

(3) The department may require the purveyor to provide higher levels of treatment than specified in subsection (1)(b) of this section when necessary to protect the health of consumers served by the public water system.

(4) Interim treatment requirements shall be met in accordance with a schedule acceptable to the department.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-672, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-672, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 93-08-011 (Order 352B), § 246-290-672, filed 3/25/93, effective 4/25/93.]

WAC 246-290-674 Interim monitoring and reporting. (1) Monitoring. Unless directed otherwise by the department, the purveyor of an existing unfiltered system installing filtration shall:

(a) Conduct interim monitoring in accordance with 40 CFR 141.22;

(b) Measure the residual disinfectant concentration within the distribution system at the same time and location that a routine or repeat sample is collected in accordance with WAC 246-290-300(3) or 246-290-320(2); and

(c) Measure residual disinfection concentrations at entry to the distribution system on a daily basis, or as directed by the department.

(2) Reporting.

(a) The purveyor installing filtration shall report to the department as soon as possible, but no later than twenty-four hours after the purveyor learns of any of the following events:

(i) A waterborne disease outbreak potentially attributable to the water system occurs;

(ii) The turbidity of water delivered to the public exceeds 5.0 NTU; or

(iii) The interim disinfection requirements under WAC 246-290-672 are not met.

(b) The purveyor shall report results of monitoring to the department. Monthly report forms shall be submitted within ten days after the end of each month the system served water to the public.

(c) The purveyor shall report, at a minimum, all the information requested by the department using a department-approved form or format including:

(i) Water quality information, including results of monitoring in accordance with WAC 246-290-300 and 246-290-320;

(ii) Disinfection monitoring information;

(iii) A summary of water quality complaints received from consumers served by the system.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-674, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-674, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 93-08-011 (Order 352B), § 246-290-674, filed 3/25/93, effective 4/25/93.]

WAC 246-290-676 Filtration technology and design criteria. (1) General.

(a) The purveyor proposing to construct new water treatment facilities or to make additions to existing water treatment facilities for surface and GWI sources shall ensure that the facilities comply with the treatment, design, and reliability requirements of Part 6 of chapter 246-290 WAC.

(b) The purveyor shall submit an engineering report to the department describing how the treatment facilities will be designed to comply with the requirements specified in Subparts A, B, and C of Part 6 of chapter 246-290 WAC.

(2) Filtration technology.

(a) The purveyor shall select a filtration technology acceptable to the department using criteria such as those outlined in department guidance on surface water treatment. The following filtration technologies are considered acceptable:

(i) Conventional;

(ii) Direct;

(iii) Diatomaceous earth; and

(iv) Slow sand.

(b) In addition to the technologies specified in subsection (1) of this section, alternate filtration technologies may be

acceptable, if the purveyor demonstrates to the department's satisfaction all of the following:

(i) Through acceptable third party testing, that system components do not leach or otherwise add substances to the finished water that would violate drinking water standards, or otherwise pose a threat to public health;

(ii) The technology's effectiveness in achieving at least 99 percent (2 log) removal of *Giardia lamblia* cysts or cyst surrogate particles, and at least 99 percent (2 log) removal of *Cryptosporidium* oocysts or oocyst surrogate particles. The purveyor shall further demonstrate the technology's removal capability through research conducted:

(A) By a party acceptable to the department; and

(B) In accordance with protocol and standards acceptable to the department.

(iii) Through on-site pilot plant studies or other means, that the filtration technology:

(A) In combination with disinfection treatment consistently achieves 99.9 percent (3 log) removal and inactivation of *Giardia lamblia* cysts and 99.99 percent (4 log) removal and inactivation of viruses; and

(B) Meets the applicable turbidity performance requirements as determined by the department for the specific treatment process being considered, but in no case to exceed 1.0 NTU for the finished water.

(3) Pilot studies.

(a) The purveyor shall ensure pilot studies are conducted for all proposed filtration facilities, except where waived based on engineering justification acceptable to the department.

(b) The purveyor shall obtain department approval for the pilot study plan before the pilot filter is constructed and before the pilot study is undertaken.

(c) The pilot study plan shall identify at a minimum:

(i) Pilot filter design;

(ii) Water quality and operational parameters to be monitored;

(iii) Type of data to be collected, frequency of data collection, and length of pilot study; and

(iv) Pilot plant operator qualifications.

(d) The purveyor shall ensure that the pilot study is:

(i) Conducted to simulate proposed full-scale design conditions;

(ii) Conducted over a time period that will demonstrate the effectiveness and reliability of the proposed treatment system during changes in seasonal and climatic conditions; and

(iii) Designed and operated in accordance with good engineering practices and that ANSI/NSF standards 60 and 61 are considered.

(e) When the pilot study is complete, the purveyor shall submit a project report to the department for approval in accordance with WAC 246-290-110.

(4) Design criteria.

(a) The purveyor shall ensure that water treatment facilities for surface and GWI sources are designed and constructed in accordance with good engineering practices documented in references such as those identified in WAC 246-290-200.

(b) Filtration facilities.

(i) The purveyor shall ensure that all new filtration facilities and improvements to any existing filtration facilities (excluding disinfection) are designed to achieve at least 99 percent (2 log) removal of *Giardia lamblia* cysts, and 99 percent (2 log) removal of *Cryptosporidium* oocysts; and

(ii) The purveyor shall ensure that all new filtration facilities contain provisions for filtering to waste with appropriate measures for backflow prevention.

(c) The purveyor shall ensure that disinfection systems for new filtration facilities or improvements to existing disinfection facilities are designed to meet the requirements of WAC 246-290-662.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-676, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-676, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 93-08-011 (Order 352B), § 246-290-676, filed 3/25/93, effective 4/25/93.]

WAC 246-290-690 Criteria to remain unfiltered. (1) For a system not using the "limited alternative to filtration" option to remain unfiltered, the purveyor using a surface water or GWI source shall meet the source water quality and site-specific conditions under this section, as demonstrated through monitoring conducted in accordance with WAC 246-290-694.

(2) Source water quality conditions necessary to remain unfiltered.

(a) Coliform limits.

(i) The purveyor shall ensure that representative source water samples taken before the first point of disinfection have a fecal coliform density less than or equal to 20/100 ml in ninety percent or more of all samples taken during the six previous calendar months the system served water to the public. Samples collected on days when source water turbidity exceeds 1.0 NTU shall be included when determining compliance with this requirement.

(ii) The purveyor shall submit a written report to the department if no source fecal coliform data has been submitted for days when source turbidity exceeded 1.0 NTU. The report shall document why sample results are not available and shall be submitted with the routine monitoring reports for the month in which the sample results are not available.

(b) Turbidity limits.

(i) The purveyor shall ensure that the turbidity level in representative source water samples taken before primary disinfection does not exceed 5.0 NTU.

(ii) A system failing to meet the turbidity requirements in (b)(i) of this subsection may remain unfiltered, if:

(A) The purveyor demonstrates to the department's satisfaction that the most recent turbidity event was caused by unusual and unpredictable circumstances; and

(B) Including the most recent turbidity event, there have not been more than:

(I) Two turbidity events in the twelve previous calendar months the system served water to the public; or

(II) Five turbidity events in the one-hundred-twenty previous calendar months the system served water to the public.

(iii) The purveyor of a system experiencing a turbidity event shall submit a written report to the department documenting why the turbidity event(s) occurred. The purveyor

shall submit the report with the routine monitoring reports for the month in which the turbidity event(s) occurred.

(iv) The purveyor of a system with alternate, department-approved sources or sufficient treated water storage may avoid a turbidity event by implementing operational adjustments to prevent water with a turbidity exceeding 5.0 NTU from being delivered to consumers.

(v) When an alternate source or treated water storage is used during periods when the turbidity of the surface or GWI source exceeds 5.0 NTU, the purveyor shall not put the surface or GWI source back on-line, until the source water turbidity is 5.0 NTU or less.

(3) Site-specific conditions to remain unfiltered.

(a) Level of inactivation.

(i) The purveyor shall ensure that the *Giardia lamblia* cyst and virus inactivation levels required under WAC 246-290-692(1) are met in at least eleven of the twelve previous calendar months that the system served water to the public.

(ii) A system failing to meet the inactivation requirements during two of the twelve previous calendar months that the system served water to the public may remain unfiltered, if the purveyor demonstrates to the department's satisfaction that at least one of the failures was caused by unusual and unpredictable circumstances.

(iii) To make such a demonstration, the purveyor shall submit to the department a written report documenting the reasons for the failure. The purveyor shall submit the report with the routine monitoring reports for the month in which the failure occurred.

(b) Redundant disinfection components or automatic shutoff.

The purveyor shall ensure that the requirement for redundant disinfection system components or automatic shutoff of water to the distribution system under WAC 246-290-692(3) is met at all times the system serves water to the public.

(c) Disinfectant residual entering the distribution system.

(i) The purveyor shall ensure that the requirement for having a residual entering the distribution system under WAC 246-290-692(4) is met at all times the system serves water to the public.

(ii) A system failing to meet the disinfection requirement under (c)(i) of this subsection may remain unfiltered, if the purveyor demonstrates to the department's satisfaction that the failure was caused by unusual and unpredictable circumstances.

(iii) To make such a demonstration, the purveyor shall submit to the department a written report documenting the reasons for the failure. The purveyor shall submit the report with the routine monitoring reports for the month in which the failure occurred.

(d) Disinfectant residuals within the distribution system.

(i) The purveyor shall ensure that the requirement for maintaining a residual within the distribution system under WAC 246-290-692(5) is met on an ongoing basis.

(ii) A system failing to meet the disinfection requirements under (d)(i) of this subsection may remain unfiltered, if the purveyor demonstrates to the department's satisfaction that the failure was caused by something other than a deficiency in source water treatment.

(iii) To make such a demonstration, the purveyor shall submit to the department a written report documenting the reasons for the failure. The purveyor shall submit the report with the routine monitoring reports for the month in which the failure occurred.

(e) Watershed control.

(i) The purveyor shall develop and implement a department-approved watershed control program.

(ii) The purveyor shall monitor, limit, and control all facilities and activities in the watershed affecting source quality to preclude degradation of the physical, chemical, microbiological (including viral contamination and contamination by *Cryptosporidium* oocysts), and radiological quality of the source. The purveyor shall demonstrate, through ownership and/or written agreements acceptable to the department, control of all human activities that may adversely impact source quality.

(iii) At a minimum, the purveyor's watershed control program shall:

(A) Characterize the watershed hydrology and land ownership;

(B) Identify watershed characteristics and activities that may adversely affect source water quality; and

(C) Monitor the occurrence of activities that may adversely affect source water quality.

(iv) If the department determines significant changes have occurred in the watershed, the purveyor shall submit, within ninety days of notification, an updated watershed control program to the department for review and approval.

(v) The department may require an unfiltered system to conduct additional monitoring to demonstrate the adequacy of the watershed control program.

(vi) A purveyor shall be considered out of compliance when failing to:

(A) Have a department-approved watershed control program;

(B) Implement the watershed control program to the satisfaction of the department; or

(C) Conduct additional monitoring as directed by the department.

(f) On-site inspections.

(i) The department shall conduct on-site inspections to assess watershed control and disinfection treatment.

(ii) The department shall conduct annual inspections unless more frequent inspections are deemed necessary to protect the health of consumers served by the system.

(iii) For a system to remain unfiltered, the on-site inspection shall indicate to the department's satisfaction that the watershed control program and disinfection treatment comply with (e) of this subsection and WAC 246-290-692, respectively.

(iv) The purveyor with unsatisfactory on-site inspection results shall take action as directed by the department in accordance with a department-established schedule.

(g) Waterborne disease outbreak.

(i) To remain unfiltered, a system shall not have been identified by the department as the cause of a waterborne disease outbreak attributable to a failure in treatment of the surface or GWI source.

(ii) The purveyor of a system identified by the department as the cause of a waterborne disease outbreak may

remain unfiltered, if the purveyor demonstrates to the department's satisfaction that system facilities and/or operations have been sufficiently modified to prevent another waterborne disease outbreak.

(h) Total coliform MCL.

(i) For a system to remain unfiltered, the purveyor shall ensure that the MCL for total coliform under WAC 246-290-310 is met in at least eleven of the twelve previous calendar months the system served water to the public.

(ii) A system failing to meet the criteria in (i) of this subsection, may remain unfiltered, if the purveyor demonstrates to the department's satisfaction that the total coliform MCL violations were not caused by a deficiency in source water treatment.

(iii) The department shall determine the adequacy of source water treatment based on results of total coliform monitoring at the entry to the distribution system in accordance with WAC 246-290-694(3).

(i) Disinfectant residuals MRDL and disinfection byproducts MCLs - Monitoring and compliance.

For a system to remain unfiltered, the purveyor shall comply with the monitoring and MCL requirements under WAC 246-290-300(7) and 246-290-310 (5) and (6), respectively.

(j) Laboratory services.

(i) For a system to remain unfiltered, the purveyor shall retain the services of the public health laboratory or another laboratory certified by the department to analyze samples for total and fecal coliform. Laboratory services shall be available on an as needed basis, seven days a week, including holidays. The purveyor shall identify in the annual comprehensive report required under WAC 246-290-696 the certified laboratory providing these services.

(ii) The department may waive this requirement, if the purveyor demonstrates to the department's satisfaction that an alternate, department-approved source is used when the turbidity of the surface or GWI source exceeds 1.0 NTU.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-690, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-690, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 93-08-011 (Order 352B), § 246-290-690, filed 3/25/93, effective 4/25/93.]

WAC 246-290-691 Criteria for unfiltered systems with a "limited alternative to filtration" to remain unfiltered. (1) For a system providing a limited alternative to filtration, the purveyor using a surface water or GWI source shall meet the source quality and site-specific conditions under this section.

(2) Source water turbidity requirements.

(a) The purveyor shall ensure that the turbidity level in representative source water samples taken before primary disinfection does not exceed 5.0 NTU.

(b) A system with more than two turbidity events in the twelve previous calendar months the water was served to the public or more than five turbidity events in the one hundred twenty previous calendar months the water was served to the public shall expand the scope of its next annual comprehensive report required under WAC 246-290-696(6) to include:

(i) A description of the events;

(ii) A summary of previous turbidity events;

(iii) A proposed plan of corrective action; and

(iv) A schedule for implementing the action plan.

(3) Site-specific requirements.

(a) Level of inactivation.

(i) The purveyor shall ensure that the removal and/or inactivation levels required under WAC 246-290-630(11) are met in at least eleven of the twelve previous calendar months that the system served water to the public.

(ii) A system failing to meet the inactivation requirements in (a)(i) of this subsection in two or more months of the previous twelve calendar months the system served water to the public shall expand the scope of its annual comprehensive report required under WAC 246-290-696(6) to include:

(A) A description of the failure(s);

(B) A summary of previous inactivation failures;

(C) A proposed plan of corrective action; and

(D) A schedule for implementing the action plan.

(b) Watershed control.

(i) The watershed must not be allowed to be inhabited, except for those designated individuals and for those periods of time each year that would be directly associated with the protection of the watershed.

(ii) The purveyor shall develop and implement a department-approved watershed control program.

(iii) The purveyor shall monitor, limit, and control all facilities and activities in the watershed affecting source quality to preclude degradation of the physical, chemical, microbiological (including viral and *Cryptosporidium* oocysts contamination), and radiological quality of the source. The purveyor shall demonstrate, through ownership and/or written agreements acceptable to the department, control of all human activities that may adversely impact source quality.

(iv) At a minimum, the purveyor's watershed control program shall:

(A) Characterize the watershed hydrology and land ownership;

(B) Identify watershed characteristics and activities that may adversely affect source water quality; and

(C) Monitor the occurrence of activities that may adversely affect source water quality.

(v) If the department determines significant changes have occurred in the watershed, the purveyor shall submit, within ninety days of notification, an updated watershed control program to the department for review and approval.

(vi) The purveyor may be required to conduct additional monitoring to demonstrate the adequacy of the watershed control program.

(vii) A purveyor shall be considered out of compliance when failing to:

(A) Have a department-approved watershed control program;

(B) Implement the watershed control program to the satisfaction of the department;

(C) Conduct additional monitoring as directed by the department; or

(D) Prevent the human inhabitation of the watershed, except during the periods of time when conducting watershed protection activities as provided in (b)(i) of this subsection.

(c) On-site inspections.

(i) The purveyor shall submit to on-site inspections by the department to assess watershed control and disinfection treatment.

(ii) The purveyor shall submit to annual inspections by the department unless more frequent inspections are deemed necessary to protect the health of consumers served by the system.

(iii) The purveyor with unsatisfactory on-site inspection results shall take action as directed by the department in accordance with a department-established schedule.

(d) Waterborne disease outbreak.

(i) The system shall not be identified by the department as the cause of a waterborne disease outbreak attributable to a failure in treatment of the surface or GWI source.

(ii) A system identified by the department as the cause of a waterborne disease in (d)(i) of this subsection shall expand the scope of its annual comprehensive report required under WAC 246-290-696(6) to include:

(A) A description of the outbreak;

(B) A summary of previous waterborne disease outbreaks attributed to the system;

(C) A proposed plan of corrective action; and

(D) A schedule for implementing the action plan.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-691, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-691, filed 3/9/99, effective 4/9/99.]

WAC 246-290-692 Disinfection for unfiltered systems. (1) General requirements.

(a) The purveyor without a limited alternative to filtration shall provide continuous disinfection treatment to ensure at least 99.9 percent (3 log) inactivation of *Giardia lamblia* cysts and 99.99 percent (4 log) inactivation of viruses at all times the system serves water to the public.

(b) The purveyor with a limited alternative to filtration shall meet the treatment requirements in WAC 246-290-630(11) at all times the system serves water to the public.

(c) The purveyor may be required to provide greater levels of inactivation of *Giardia lamblia* cysts, other pathogenic microorganisms of public health concern, and viruses to protect the health of consumers.

(d) Failure to meet the inactivation level requirements of WAC 246-290-690 (3)(a) or 246-290-691 (3)(a) shall be considered a violation.

(2) Determining the level of inactivation.

(a) Each day the system without a limited alternative to filtration serves water to the public, the purveyor, using procedures and $CT_{99.9}$ values specified in 40 CFR 141.74, Vol. 54, No. 124, (published June 29, 1989, and copies of which are available from the department), shall determine:

(i) CT values using the system's treatment parameters and calculate the total inactivation ratio achieved by disinfection; and

(ii) Whether the system's disinfection treatment process is achieving the minimum levels of inactivation of *Giardia lamblia* cysts and viruses required by the department. For purposes of determining compliance with the inactivation requirements specified in subsection (1) of this section, no credit shall be granted for disinfection applied to a source water with a turbidity greater than 5.0 NTU.

(b) Each day the system with a limited alternative to filtration serves water to the public, the purveyor, using appropriate guidance, shall determine:

(i) CT values using the system's treatment parameters and calculate the total inactivation ratio achieved by disinfection; and

(ii) Whether the system's treatment process is achieving the minimum levels of inactivation of *Giardia lamblia* cysts, viruses, or other pathogenic organisms of health concern including *Cryptosporidium* oocysts that would be greater than what would be expected from the combination of filtration plus chlorine disinfection.

(c) The purveyor shall be considered in compliance with the daily inactivation requirement when a total inactivation ratio equal to or greater than 1.0 is achieved.

(d) The purveyor of a system using a disinfectant or combination of disinfectants may use CT values lower than those specified in (a) of this subsection, if the purveyor demonstrates to the department's satisfaction that the required levels of inactivation of *Giardia lamblia* cysts, viruses, and, if providing a limited alternative to filtration, any other pathogenic organisms of public health concern including *Cryptosporidium* oocysts, can be achieved using the lower CT values.

(e) The purveyor of a system using preformed chloramines or adding ammonia to the water before chlorine shall demonstrate to the department's satisfaction that the system achieves at least 99.99 percent (4 log) inactivation of viruses.

(3) The purveyor using either unfiltered or "limited alternative to filtration" treated sources shall ensure that disinfection facilities provide either:

(a) Redundant components, including an auxiliary power supply with automatic start up and alarm, to ensure continuous disinfection. Redundancy shall ensure that both the minimum inactivation requirements and the requirement for a 0.2 mg/L residual disinfectant concentration at entry to the distribution system are met at all times water is delivered to the distribution system; or

(b) Automatic shutoff of delivery of water to the distribution system when the residual disinfectant concentration in the water is less than 0.2 mg/L. Automatic shutoff shall be allowed only in systems where the purveyor demonstrates to the department's satisfaction that automatic shutoff will not endanger health or interfere with fire protection.

(4) Disinfectant residual entering the distribution system.

(a) The purveyor shall ensure that water entering the distribution system contains a residual disinfectant concentration, measured as free or combined chlorine, of at least 0.2 mg/L at all times the system serves water to the public; and

(b) Failure to provide a 0.2 mg/L residual at entry to distribution for more than four hours on any day shall be considered a treatment technique violation.

(5) Disinfectant residuals within the distribution system.

(a) The purveyor shall ensure that the residual disinfectant concentration in the distribution system, measured as total chlorine, free chlorine, combined chlorine, or chlorine dioxide, is detectable in at least ninety-five percent of the samples taken each calendar month.

(b) The purveyor of a system that purchases completely treated surface or GWI water as determined by the depart-

ment shall comply with the requirements specified in (a) of this subsection.

(c) Water in the distribution system with an HPC level less than or equal to 500 organisms/ml is considered to have a detectable residual disinfectant concentration.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-692, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-692, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 94-14-001, § 246-290-692, filed 6/22/94, effective 7/23/94; 93-08-011 (Order 352B), § 246-290-692, filed 3/25/93, effective 4/25/93.]

WAC 246-290-694 Monitoring for unfiltered systems. (1) Source coliform monitoring for systems without a limited alternative to filtration.

(a) The purveyor shall ensure that source water samples of each surface or GWI source are representative and:

(i) Collected before the first point of disinfectant application; and

(ii) Analyzed for fecal coliform density in accordance with methods acceptable to the department.

(b) The purveyor shall ensure source samples are collected for fecal coliform analysis each week the system serves water to the public based on the following schedule:

Population Served	Minimum Number/week*
25 - 500	1
501 - 3,300	2
3,301 - 10,000	3
10,001 - 25,000	4
>25,000	5

*Must be taken on separate days.

(c) Each day the system serves water to the public and the turbidity of the source water exceeds 1.0 NTU, the purveyor shall ensure one representative source water sample is collected before the first point of disinfectant application and analyzed for fecal coliform density. This sample shall count toward the weekly source coliform sampling requirement.

(d) A purveyor shall not be considered in violation of (c) of this subsection, if the purveyor demonstrates to the department's satisfaction that, for valid logistical reasons outside the purveyor's control, the additional fecal coliform sample could not be analyzed within a time frame acceptable to the department.

(2) Source coliform monitoring for systems with a limited alternative to filtration.

(a) The purveyor shall ensure that source water samples of each surface or GWI source are:

(i) Collected before the first point of primary disinfection; and

(ii) Analyzed for fecal coliform density in accordance with methods acceptable to the department.

(b) At a minimum, the purveyor shall ensure source samples are collected for fecal coliform analysis at a frequency equal to ten percent the number of routine coliform samples collected within the distribution system each month under WAC 246-290-300, or once per calendar month, whichever is greater, up to a maximum of one sample per day.

(3) Coliform monitoring at entry to distribution for systems without a limited alternative to filtration.

(a) The purveyor shall collect and have analyzed one coliform sample at the entry point to the distribution system each day that a routine or repeat coliform sample is collected within the distribution system under WAC 246-290-300(3) or 246-290-320(2), respectively.

(b) The purveyor shall use the results of the coliform monitoring at entry to distribution along with inactivation ratio monitoring results to demonstrate the adequacy of source treatment.

(4) Source turbidity monitoring for systems without a limited alternative to filtration.

(a) The purveyor shall continuously monitor and record turbidity:

(i) On representative source water samples before the first point of primary disinfectant application; and

(ii) In accordance with the analytical techniques under WAC 246-290-638.

(b) If source water turbidity is not the same as the turbidity of water delivered to consumers, the purveyor shall continuously monitor and record turbidity of water delivered.

(5) Source turbidity monitoring for systems with a limited alternative to filtration. The purveyor shall:

(a) Continuously monitor turbidity on representative source samples before the first point of primary disinfection application;

(b) Record continuous turbidity measurements at equal intervals, of at least four hours, in accordance with a department-approved sampling schedule; and

(c) Conduct monitoring in accordance with the analytical techniques under WAC 246-290-638.

(6) Monitoring the level of inactivation.

(a) Each day the system is in operation, the purveyor shall determine the total level of inactivation of *Giardia lamblia* cysts, viruses, and, if providing a limited alternative to filtration, any other pathogenic organisms of health concern including *Cryptosporidium* oocysts, achieved through disinfection.

(b) At least once per day, the purveyor shall monitor the following parameters to determine the total inactivation ratio achieved through disinfection:

(i) Temperature of the disinfected water at each residual disinfectant concentration sampling point used for CT calculations; and

(ii) If using chlorine, pH of the disinfected water at each chlorine residual disinfectant concentration sampling point used for CT calculations.

(c) Each day during peak hourly flow, the purveyor shall:

(i) Determine disinfectant contact time, T, to the point at which C is measured; and

(ii) Measure the residual disinfectant concentration, C, of the water at the point for which T is calculated. The C measurement point must be before or at the first consumer.

(7) Monitoring the residual disinfectant concentration entering the distribution system for either unfiltered systems, or systems using a limited alternative to filtration.

(a) Systems serving more than thirty-three hundred people.

(i) The purveyor shall continuously monitor and record the residual disinfectant concentration of water entering the distribution system and report the lowest value each day.

(ii) If the continuous monitoring equipment fails, the purveyor shall measure the residual disinfectant concentration on grab samples collected at least every four hours at the entry to the distribution system while the equipment is being repaired or replaced. The purveyor shall have continuous monitoring equipment back on-line within five working days following failure.

(b) Systems serving thirty-three hundred or less people.

(i) The purveyor shall collect grab samples or use continuous monitoring and recording to measure the residual disinfectant concentration entering the distribution system.

(ii) A purveyor choosing to take grab samples shall collect:

(A) Samples at the following minimum frequencies:

Population Served	Number/day
25 - 500	1
501 - 1,000	2
1,001 - 2,500	3
2,501 - 3,300	4

(B) At least one of the grab samples at peak hourly flow based on historical flows for the system; and

(C) The remaining sample or samples at intervals evenly spaced over the time the system is disinfecting water that will be delivered to the public.

(iii) When grab samples are collected and the residual disinfectant concentration at the entry to distribution falls below 0.2 mg/L, the purveyor shall collect a grab sample every four hours until the residual disinfectant concentration is 0.2 mg/L or more.

(8) Monitoring residual disinfectant concentration within the distribution system for either unfiltration systems, or systems using a limited alternative to filtration.

(a) The purveyor shall measure the residual disinfectant concentration within the distribution system at the same time and location that a routine or repeat coliform sample is collected in accordance with WAC 246-290-300(3) or 246-290-320(2) or once per day, whichever is greater.

(b) The purveyor of a system that purchases completely treated surface or GWI water as determined by the department shall comply with the requirements of (a) of this subsection or as otherwise directed by the department under WAC 246-290-300 (2)(c). At a minimum, the purveyor shall measure the residual disinfectant concentration within the distribution system at the same time and location that a routine or repeat coliform sample is collected in accordance with WAC 246-290-300(3) or 246-290-320(2).

(c) The purveyor may measure HPC within the distribution system in lieu of measuring the residual disinfectant concentration in accordance with this subsection.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-694, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-694, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 94-14-001, § 246-290-694, filed 6/22/94, effective 7/23/94; 93-08-011 (Order 352B), § 246-290-694, filed 3/25/93, effective 4/25/93.]

WAC 246-290-696 Reporting for unfiltered systems. (1) The purveyor shall report to the department as soon as possible, but no later than twenty-four hours after the purveyor learns of any of the following events:

(a) A waterborne disease outbreak potentially attributable to the water system occurs;

(b) The turbidity of water delivered to the public exceeds 5.0 NTU;

(c) The minimum level of inactivation required by the department is not met;

(d) The residual disinfectant concentration falls below 0.2 mg/L at the entry point to the distribution system. The purveyor shall also report whether the residual was restored to 0.2 mg/L or more within four hours; or

(e) The surface or GWI source is taken off-line due to an emergency.

(2) The purveyor shall report results of monitoring conducted in accordance with WAC 246-290-694 to the department. Monthly report forms shall be submitted within ten days after the end of each month the system served water to the public.

(3) The purveyor shall report, at a minimum, all the information requested by the department using a department-approved form or format including:

(a) Water quality information, including the results of both:

(i) Source coliform monitoring; and

(ii) Source turbidity monitoring.

(b) Disinfection monitoring information, including:

(i) Level of inactivation achieved;

(ii) Residual disinfectant concentrations entering the distribution system; and

(iii) Residual disinfectant concentrations within the distribution system.

(c) A summary of water quality complaints received from consumers served by the water system.

(4) The purveyor of a system that purchases completely treated water shall:

(a) Report results of distribution system residual disinfectant concentration monitoring to the department using department-approved forms or format; and

(b) Submit forms to the department in accordance with subsection (2) of this section or as otherwise directed by the department.

(5) A person certified under chapter 246-292 WAC shall complete and sign the monthly report forms required in this section.

(6) Beginning in 1992, by October 10th of each year, the purveyor shall submit to the department an annual comprehensive report that summarizes the:

(a) Effectiveness of the watershed control program and identifies, at a minimum, the following:

(i) Activities in the watershed that are adversely affecting source water quality;

(ii) Changes in the watershed that have occurred within the previous year that could adversely affect source water quality;

(iii) Activities expected to occur in the watershed in the future and how the activities will be monitored and controlled;

(iv) The monitoring program the purveyor uses to assess the adequacy of watershed protection including an evaluation of sampling results; and

(v) Special concerns about the watershed and how the concerns are being addressed;

(b) System's compliance with the criteria to remain unfiltered under WAC 246-290-690, or, when applicable, the criteria required if the system provides a limited alternative to filtration under WAC 246-290-691; and

(c) Significant changes in system design and/or operation that have occurred within the previous year that impact the ability of the system to comply with the criteria to remain unfiltered, or, if applicable, the ability of the system to provide a limited alternative to filtration in accordance with WAC 246-290-692.

(7) The purveyor of a system attempting to remain unfiltered or to remain with a limited alternative to filtration shall submit a *Filtration Decision Report* at the request of the department. The report shall:

(a) Provide the information by which the department may determine whether a system continues to meet the criteria to remain unfiltered or, if applicable, the criteria allowing the provision of a limited alternative to filtration; and

(b) Be submitted on a schedule as specified by the department.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-696, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.02.050 [43.20.050]. 99-07-021, § 246-290-696, filed 3/9/99, effective 4/9/99. Statutory Authority: RCW 43.20.050. 94-14-001, § 246-290-696, filed 6/22/94, effective 7/23/94; 93-08-011 (Order 352B), § 246-290-696, filed 3/25/93, effective 4/25/93.]

WAC 246-290-71001 Public notification. (1) The purveyor shall notify the water system users and the owner or operator of any consecutive water system served in accordance with 40 CFR 141.201 through 208. Notice is to be provided when the system violates a National Primary Drinking Water Regulation and when any of the situations listed in Table 1 of 40 CFR 141.201 occur, except for (3)(b). Public notifications for violations and other situations are categorized into Tiers in accordance with the following:

(a) Tier 1 as described in Table 1 of 40 CFR 141.202(a);

(b) Tier 2 as described in Table 1 of 40 CFR 141.203(a); or

(c) Tier 3 as described in Table 1 of 40 CFR 141.204(a).

(2) The purveyor shall initiate consultation with the department as soon as possible, but no later than twenty-four hours after they learn their system has a Tier 1 violation or situation in order to determine if additional public notice is required. The purveyor shall comply with any additional public notification requirements established as a result of the consultation.

(3) The purveyor shall notify the water system users when the system:

(a) Is issued a departmental order;

(b) Fails to comply with a departmental order; or

(c) Is issued a category red operating permit.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-71001, filed 3/27/03, effective 4/27/03.]

WAC 246-290-71002 Public notice content. (1) Public notices required under WAC 246-290-71001(1) shall contain the elements and standard language required under 40 CFR 141.205 (a), (b), and (d) and be presented in accordance with 40 CFR 141.205 (c), except that notification of the availability of unregulated contaminant results and notification of an exceedance of the secondary MCL for fluoride shall be in accordance with WAC 246-290-71005.

(2) Public notices required under WAC 246-290-71001 (3)(a) and (c) for the issuance of a departmental order or category red operating permit shall include:

(a) A clear, concise, and simple explanation of the violation;

(b) Discussion of potential adverse health effects and any segments of the population that may be at higher risk;

(c) Mandatory health effects information in accordance with WAC 246-290-71004(2);

(d) A list of steps the purveyor has taken or is planning to take to remedy the situation;

(e) A list of steps the consumer should take, including advice on seeking an alternative water supply if necessary;

(f) The purveyor's name and telephone number; and

(g) When appropriate, notices shall be bilingual or multilingual.

Note: The purveyor may provide additional information to further explain the situation.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-71002, filed 3/27/03, effective 4/27/03.]

WAC 246-290-71003 Public notification distribution. (1) Purveyors must provide public notice as required under WAC 246-290-71001(1) according to Tier designation generally described in 40 CFR 141.201. The form, manner, timing and frequency for each Tier of public notice, as defined in Table 2 of 40 CFR 141.201 shall be in accordance with:

(a) 40 CFR 141.202 for Tier 1 public notice.

(b) 40 CFR 141.203 for Tier 2 public notice.

(c) 40 CFR 141.204 for Tier 3 public notice.

(2) In addition, notice to new billing units and consumers must be given in accordance with 40 CFR 141.206.

(3) Purveyors of community, NTNC and TNC systems shall provide notice as described in this subsection, or as described in a departmental order within three months of receipt of a departmental order, or a category red operating permit. The purveyor shall provide the department with a copy of the notice at the time the purveyor notifies the public.

(a) Purveyors of community and NTNC systems shall provide newspaper notice to water system users.

(i) "Newspaper notice," as used above, means publication in a daily newspaper of general circulation or in a weekly newspaper of general circulation if a daily newspaper does not serve the area. The purveyor may substitute a community or homeowner's association newsletter or similar periodical publication if the newspaper reaches all affected consumers within the specified time.

(ii) The purveyor shall substitute a posted notice in the absence of a newspaper of general circulation or homeowner's association newsletter or similar periodical publication. The purveyor shall post the notice within the time frame specified in this subsection.

(b) Purveyors of TNC systems shall post a notice or notify consumers by other methods authorized by the department for receipt of a red operating permit.

(c) The purveyor shall place posted notices in conspicuous locations and present the notices in a manner making

them easy to read. Notices shall remain posted until the violation is corrected.

(d) The purveyor of a community or NTNC water system shall give a copy of the most recent public notice for all outstanding violations to all new billing units or new hookups before or at the time water service begins.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-71003, filed 3/27/03, effective 4/27/03.]

WAC 246-290-71004 Public notification mandatory language. (1) Public notice required under WAC 246-290-71001(1) shall contain any specific health effects language set forth in WAC 246-290-72012 in accordance with 40 CFR 141.205 (d)(1) and other standard language in accordance with 40 CFR 141.205 (d)(2) and (3), except that notification of the availability of unregulated contaminant results and notification of the exceedance of the secondary MCL for fluoride shall be in accordance with WAC 246-290-71005.

(2) The purveyor shall provide specific mandatory language, contained in department guidance, in its notification when the purveyor is issued a category red operating permit.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-71004, filed 3/27/03, effective 4/27/03.]

WAC 246-290-71005 Special public notification requirements. (1) The purveyor of community or NTNC water systems required to monitor under WAC 246-290-300(8) shall notify the water system users of the availability of the results of monitoring for unregulated contaminants no later than twelve months after the monitoring results are known. The form and manner of the public notice to the water system users shall be in accordance with 40 CFR 141.204 (c), (d)(1), and (d)(3). The notice must also identify a person and provide the telephone number to contact for information on the monitoring results.

(2) The purveyor of a community water system that experiences a secondary MCL violation for fluoride shall provide notice, in accordance with the form, manner, timing and content requirements of 40 CFR 141.208.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-71005, filed 3/27/03, effective 4/27/03.]

WAC 246-290-71006 Consumer information. The purveyor shall provide consumer information to the water system users within twenty-one days of receipt of confirmation sample results when the department determines that a substance not included in this chapter is confirmed at a level greater than a SAL.

(1) Consumer information shall include:

(a) Name and level of chemical detected;

(b) Location where the chemical was detected;

(c) Any health effects that the chemical could cause at its present concentration;

(d) Plans for follow-up activities; and

(e) The purveyor's name and telephone number.

(2) Consumer information shall be distributed by any of the following methods:

(a) Notice placed in a daily newspaper of general circulation or in a weekly newspaper of general circulation if a daily newspaper does not serve the affected area;

(b) Direct mail to consumers;

(c) Posting for at least one week if a NTNC system; or

(d) Any other method approved by the department.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-71006, filed 3/27/03, effective 4/27/03.]

WAC 246-290-71007 Public notification special provisions. (1) When circumstances dictate, the purveyor shall give a broader or more immediate notice to protect public health. The department may require the purveyor's notification by whatever means necessary.

(2) When the state board of health grants a public water system a waiver, the purveyor shall notify consumers and new billing units or new customers before water service begins. The purveyor shall provide a notice annually and send a copy to the department.

(3) The department may give notice to the water system users and the owner or operator of any consecutive water system served as required by this section on behalf of the water purveyor. However, the purveyor remains responsible for ensuring Part 7, Subpart A requirements are met.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-71007, filed 3/27/03, effective 4/27/03.]

WAC 246-290-72001 Purpose and applicability of the consumer confidence report requirements. WAC 246-290-72001 through 246-290-72012 establishes minimum requirements for the content of annual reports that community water systems must deliver to their customers. These reports must contain information on the quality of the water delivered by the systems and characterize the risks (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner.

(1) Notwithstanding the provisions of WAC 246-290-020, this section applies only to community water systems.

(2) For the purpose of WAC 246-290-72001 through 246-290-72012:

(a) "Customers" means billing units or service connections to which water is delivered by a community water system.

(b) "Detected" means at or above the levels prescribed by WAC 246-290-300(4) for inorganic contaminants, at or above the levels prescribed by WAC 246-290-300(8) for organic contaminants, and at or above the levels prescribed by 40 CFR 141.25(c) for radioactive contaminants.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-72001, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.20.050. 00-15-080, § 246-290-72001, filed 7/19/00, effective 8/19/00.]

WAC 246-290-72005 Report contents—Information on detected contaminants. (1) This section specifies the requirements for information to be included in each report for contaminants subject to mandatory monitoring. It applies to:

(a) Contaminants subject to an MCL, action level, maximum residual disinfectant level or treatment technique (regulated contaminants);

(b) Contaminants for which monitoring is required by WAC 246-290-300(9); and

(c) Disinfection by-products for which monitoring is required by WAC 246-290-300(7) and 40 CFR 141.142 or

microbial contaminants for which monitoring is required by WAC 246-290-300(3) and 40 CFR 141.143, except as provided under WAC 246-290-72006(1), and which are detected in the finished water.

(2) The data relating to these contaminants must be displayed in one table or in several adjacent tables. Any additional monitoring results which a community water system chooses to include in its report must be displayed separately.

(3) The data must be derived from data collected to comply with the Environmental Protection Agency and state monitoring and analytical requirements during the previous calendar year except that:

(a) Where a system is allowed to monitor for regulated contaminants less than once a year, the table(s) must include the date and results of the most recent sampling and the report must include a brief statement indicating that the data presented in the report are from the most recent testing done in accordance with the regulations. No data older than five years need be included.

(b) Results of monitoring in compliance with 40 CFR 141.142 and 40 CFR 141.143 need only be included for five years from the date of last sample or until any of the detected contaminants becomes regulated and subject to routine monitoring requirements, whichever comes first.

(4) For detected regulated contaminants listed in WAC 246-290-72012, the table(s) must contain:

(a) The MCL for that contaminant expressed as a number equal to or greater than 1.0 (as provided in WAC 246-290-72012);

(b) The MCLG for that contaminant expressed in the same units as the MCL;

(c) If there is no MCL for a detected contaminant, the table must indicate that there is a treatment technique, or specify the action level, applicable to that contaminant, and the report must include the definitions for treatment technique and/or action level, as appropriate, specified in WAC 246-290-72004;

(d) For contaminants subject to an MCL, except turbidity and total coliforms, the highest contaminant level used to determine compliance with a National Primary Drinking Water Regulation and the range of detected levels, as follows:

(i) When compliance with the MCL is determined annually or less frequently: The highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.

(ii) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point: The highest average of any of the sampling points and the range of all sampling points expressed in the same units as the MCL.

(iii) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all sampling points: The average and range of detection expressed in the same units as the MCL.

(iv) Note to WAC 246-290-72005 (4)(d): When rounding of results to determine compliance with the MCL is allowed by the regulations, rounding should be done prior to multiplying the results by the factor listed in WAC 246-290-72012;

(e) For turbidity.

(i) When it is reported under chapter 246-290 WAC Part 6, Subpart C: The highest average monthly value.

(ii) When it is reported under the requirements of chapter 246-290 WAC Part 6, Subpart D: The highest monthly value. The report should include an explanation of the reasons for measuring turbidity.

(iii) When it is reported under chapter 246-290 WAC Part 6, Subpart B: The highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in chapter 246-290 WAC Part 6, Subpart B for the filtration technology being used. The report should include an explanation of the reasons for measuring turbidity;

(f) For lead and copper: The 90th percentile value of the most recent round of sampling and the number of sampling sites exceeding the action level;

(g) For total coliform:

(i) The highest monthly number of positive samples for systems collecting fewer than 40 samples per month; or

(ii) The highest monthly percentage of positive samples for systems collecting at least 40 samples per month;

(h) For fecal coliform: The total number of positive samples; and

(i) The likely source(s) of detected contaminants to the best of the purveyor's knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and should be used when available to the purveyor. If the purveyor lacks specific information on the likely source, the report must include one or more of the typical sources for that contaminant listed in WAC 246-290-72012 which are most applicable to the system.

(5) If a community water system distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources, the table should contain a separate column for each service area and the report should identify each separate distribution system. Alternatively, systems could produce separate reports tailored to include data for each service area.

(6) The table(s) must clearly identify any data indicating violations of MCLs, MRDLs, or treatment techniques and the report must contain a clear and readily understandable explanation of the violation including: The length of the violation, the potential adverse health effects, and actions taken by the system to address the violation. To describe the potential health effects, the system must use the relevant language of WAC 246-290-72012.

(7) For detected unregulated contaminants for which monitoring is required, the table(s) must contain the average and range at which the contaminant was detected. The report may include a brief explanation of the reasons for monitoring for unregulated contaminants.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-72005, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.20.050. 00-15-080, § 246-290-72005, filed 7/19/00, effective 8/19/00.]

WAC 246-290-72007 Report contents—Compliance with National Primary Drinking Water Regulations. In addition to the requirements of WAC 246-290-72005(6), the report must note any violation that occurred during the year covered by the report of a requirement listed below, and

include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the system has taken to correct the violation.

(1) Monitoring and reporting of compliance data;

(2) Filtration and disinfection prescribed by chapter 246-290 WAC, Part 6. For systems which have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of the equipment or processes which constitutes a violation, the report must include the following language as part of the explanation of potential adverse health effects: Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.

(3) Lead and copper control requirements prescribed by WAC 246-290-025, specifically CFR 141.80 through 141.91: For systems which fail to take one or more actions prescribed by WAC 246-290-025, specifically CFR 141.80 through 141.84, the report must include the applicable language of WAC 246-290-72012 for lead, copper, or both.

(4) Treatment techniques for Acrylamide and Epichlorohydrin prescribed by 40 CFR, Subpart K. For systems which violate the requirements of 40 CFR, Subpart K, the report must include the relevant language from WAC 246-290-72012.

(5) Recordkeeping of compliance data.

(6) Special monitoring requirements prescribed by WAC 246-290-300(9) (unregulated contaminants) and 246-290–310(3) (sodium); and

(7) Violation of the terms of a variance, an exemption, or an administrative or judicial order.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-72007, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.20.050. 00-15-080, § 246-290-72007, filed 7/19/00, effective 8/19/00.]

WAC 246-290-72010 Report contents—Required additional health information. All reports must prominently display the following language: Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. Environmental Protection Agency/Centers for Disease Control guidelines on appropriate means to lessen the risk of infection by Cryptosporidium and other microbial contaminants are available from the Safe Drinking Water Hotline (800-426-4791).

(1) Beginning in the report due by July 1, 2002, a system which detects arsenic levels above 0.005 mg/L and up to and including 0.01 mg/L:

(a) Must include in its report a short informational statement about arsenic, using language such as: While your drinking water meets EPA's standard for arsenic, it does contain low levels of arsenic. EPA's standard balances the current understanding of arsenic's possible health effects against the cost of removing arsenic from drinking water. EPA continues to research the health effects of low levels of arsenic, which is a mineral known to cause cancer in humans at high concentrations and is linked to other health effects such as skin damage and circulatory problems.

(b) May write its own educational statement, but only in consultation with the department.

(2) A system which detects nitrate at levels above 5 mg/l, but below the MCL:

(a) Must include a short informational statement about the impacts of nitrate on children using language such as: Nitrate in drinking water at levels above 10 ppm is a health risk for infants of less than six months of age. High nitrate levels in drinking water can cause blue-baby syndrome. Nitrate levels may rise quickly for short periods of time because of rainfall or agricultural activity. If you are caring for an infant, you should ask for advice from your health care provider.

(b) May write its own educational statement, but only in consultation with the department.

(3) Systems which detect lead above the action level in more than five percent, and up to and including ten percent, of homes sampled:

(a) Must include a short informational statement about the special impact of lead on children using language such as: Infants and young children are typically more vulnerable to lead in drinking water than the general population. It is possible that lead levels at your home may be higher than at other homes in the community as a result of materials used in your home's plumbing. If you are concerned about elevated lead levels in your home's water, you may wish to have your water tested and flush your tap for thirty seconds to two minutes before using tap water. Additional information is available from the Safe Drinking Water Hotline (800-426-4791).

(b) May write its own educational statement, but only in consultation with the department.

(4) Community water systems that detect TTHM above 0.080 mg/l, but below the MCL in WAC 246-290-310(4), as an annual average, monitored and calculated under the provisions of WAC 246-290-300(6), must include health effects language prescribed by WAC 246-290-72012.

(5) Beginning in the report due by July 1, 2002, and ending January 22, 2006, a community water system that detects arsenic above 0.01 mg/L and up to and including 0.05 mg/L must include the arsenic health effects language prescribed in WAC 246-290-72012.

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-72010, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.20.050. 00-15-080, § 246-290-72010, filed 7/19/00, effective 8/19/00.]

WAC 246-290-72012 Regulated contaminants.

Contaminant (units)	traditional MCL in mg/L	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Microbiological Contaminants						
Total Coliform Bacteria	MCL: (systems that collect ≥ 40 samples/ month) 5% of monthly samples are positive; (systems that collect < 40 samples/ month) 1 positive monthly sample		MCL: (systems that collect ≥ 40 samples/ month) 5% of monthly samples are positive; (systems that collect < 40 samples/ month) 1 positive monthly sample	0	Naturally present in the environment	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
Fecal coliform and *E. coli*	0		0	0	Human and animal fecal waste	Fecal coliforms and *E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely-compromised immune systems.
Total organic carbon (ppm)	TT	-	TT	n/a	Naturally present in the environment	Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection by-products. These by-products include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these by-products in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.
Turbidity (NTU)	TT.	-	TT	n/a	Soil runoff	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
Radioactive Contaminants						
Beta/photon emitters (mrem/yr) *Effective 12/08/03	4 mrem/yr	-	4	n/a 0	Decay of natural and man-made deposits	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.

Contaminant (units)	traditional MCL in mg/L	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Alpha emitters (pCi/l) *Effective 12/08/03	15 pCi/l	-	15	n/a 0	Erosion of natural deposits	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
Combined radium (pCi/l) *Effective 12/08/03	5 pCi/l	-	5	n/a 0	Erosion of natural deposits	Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.
Uranium (pCi/l) *Effective 12/08/03	30 micro g/l	-	30	0	Erosion of natural deposits	Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.
Inorganic Contaminants						
Antimony (ppb)	.006	1000	6	6	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.
Arsenic (ppb) *Effective 1/23/06	.05 0.01	1000 1000	50 10	n/a 0	Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics production wastes	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
Asbestos (MFL)	7 MFL	-	7	7	Decay of asbestos cement water mains; Erosion of natural deposits	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.
Barium (ppm)	2	-	2	2	Discharge of drilling wastes; Discharge from metal refineries; Erosion of natural deposits	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
Beryllium (ppb)	.004	1000	4	4	Discharge from metal refineries and coal-burning factories; Discharge from electrical, aerospace, and defense industries	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions.
Cadmium (ppb)	.005	1000	5	5	Corrosion of galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; Runoff from waste batteries and paints	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.
Chromium (ppb)	.1	1000	100	100	Discharge from steel and pulp mills; Erosion of natural deposits	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.

Contaminant (units)	traditional MCL in mg/L	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Copper (ppm)	AL = 1.3	-	AL = 1.3	1.3	Corrosion of household plumbing systems; Erosion of natural deposits; Leaching from wood preservatives	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.
Cyanide (ppb)	.2	1000	200	200	Discharge from steel/metal factories; Discharge from plastic and fertilizer factories	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.
Fluoride (ppm)	4	-	4	4	Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.
Lead (ppb)	AL = .015	1000	AL = 15	0	Corrosion of household plumbing systems; Erosion of natural deposits	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.
Mercury [inorganic] (ppb)	.002	1000	2	2	Erosion of natural deposits; Discharge from refineries and factories; Runoff from landfills; Runoff from cropland	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.
Nitrate (ppm)	10	-	10	10	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits	Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
Nitrite (ppm)	1	-	1	1	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits	Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.

Contaminant (units)	traditional MCL in mg/L	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Selenium (ppb)	.05	1000	50	50	Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines	Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation.
Thallium (ppb)	.002	1000	2	0.5	Leaching from ore-processing sites; Discharge from electronics, glass, and drug factories	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.
Synthetic Organic Contaminants including Pesticides and Herbicides						
2,4-D (ppb)	.07	1000	70	70	Runoff from herbicide used on row crops	Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.
2,4,5-TP [Silvex](ppb)	.05	1000	50	50	Residue of banned herbicide	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.
Acrylamide	TT	-	TT	0	Added to water during sewage/ wastewater treatment	Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.
Alachlor (ppb)	.002	1000	2	0	Runoff from herbicide used on row crops	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.
Atrazine (ppb)	.003	1000	3	3	Runoff from herbicide used on row crops	Some people who drink water containing atrazine well in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties.
Benzo(a)pyrene [PAH] (nanograms/l)	.0002	1,000,000	200	0	Leaching from linings of water storage tanks and distribution lines	Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.
Carbofuran (ppb)	.04	1000	40	40	Leaching of soil fumigant used on rice and alfalfa	Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.
Chlordane (ppb)	.002	1000	2	0	Residue of banned termiticide	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.

Contaminant (units)	traditional MCL in mg/L	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Dalapon (ppb)	.2	1000	200	200	Runoff from herbicide used on rights of way	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.
Di(2-ethylhexyl) adipate (ppb)	.4	1000	400	400	Discharge from chemical factories	Some people who drink water containing di (2-ethylhexyl) adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.
Di(2-ethylhexyl) phthalate (ppb)	.006	1000	6	0	Discharge from rubber and chemical factories	Some people who drink water containing di (2-ethylhexyl) phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.
Dibromochloropropane (ppt)	.0002	1,000,000	200	0	Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards	Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive problems and may have an increased risk of getting cancer.
Dinoseb (ppb)	.007	1000	7	7	Runoff from herbicide used on soybeans and vegetables	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
Diquat (ppb)	.02	1000	20	20	Runoff from herbicide use	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.
Dioxin [2,3,7,8-TCDD] (ppq)	.00000003	1,000,000,000	30	0	Emissions from waste incineration and other combustion; Discharge from chemical factories	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
Endothall (ppb)	.1	1000	100	100	Runoff from herbicide use	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
Endrin (ppb)	.002	1000	2	2	Residue of banned insecticide	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
Epichlorohydrin	TT	-	TT	0	Discharge from industrial chemical factories; An impurity of some water treatment chemicals	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.
Ethylene dibromide (ppt)	.00005	1,000,000	50	0	Discharge from petroleum refineries	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.
Glyphosate (ppb)	.7	1000	700	700	Runoff from herbicide use	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.

Contaminant (units)	traditional MCL in mg/L	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Heptachlor (ppt)	.0004	1,000,000	400	0	Residue of banned pesticide	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
Heptachlor epoxide (ppt)	.0002	1,000,000	200	0	Breakdown of heptachlor	Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.
Hexachlorobenzene (ppb)	.001	1000	1	0	Discharge from metal refineries and agricultural chemical factories	Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.
Hexachlorocyclo-pentadiene (ppb)	.05	1000	50	50	Discharge from chemical factories	Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.
Lindane (ppt)	.0002	1,000,000	200	200	Runoff/leaching from insecticide used on cattle, lumber, gardens	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.
Methoxychlor (ppb)	.04	1000	40	40	Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.
Oxamyl [Vydate] (ppb)	.2	1000	200	200	Runoff/leaching from insecticide used on apples, potatoes and tomatoes	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.
PCBs [Polychlorinated biphenyls] (ppt)	.0005	1,000,000	500	0	Runoff from landfills; Discharge of waste chemicals	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.
Pentachlorophenol (ppb)	.001	1000	1	0	Discharge from wood preserving factories	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.
Picloram (ppb)	.5	1000	500	500	Herbicide runoff	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.
Simazine (ppb)	.004	1000	4	4	Herbicide runoff	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.

Contaminant (units)	traditional MCL in mg/L	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
Toxaphene (ppb)	.003	1000	3	0	Runoff/leaching from insecticide used on cotton and cattle	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.
Volatile Organic Contaminants						
Benzene (ppb)	.005	1000	5	0	Discharge from factories; Leaching from gas storage tanks and landfills	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.
Bromate (ppb)	.010	1000	10	0	By-product of drinking water chlorination	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.
Carbon tetrachloride (ppb)	.005	1000	5	0	Discharge from chemical plants and other industrial activities	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
Chloramines (ppm)	MRDL = 4	-	MRDL = 4	MRDLG = 4	Water additive used to control microbes	Some people who use drinking water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.
Chlorine (ppm)	MRDL = 4	-	MRDL = 4	MRDLG = 4	Water additive used to control microbes	Some people who use drinking water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
Chlorite (ppm)	1	-	1	0.8	By-product of drinking water chlorination	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant mothers who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
Chlorine dioxide (ppb)	MRDL = .8	1000	MRDL = 800	MRDLG = 800	Water additive used to control microbes	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant mothers who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.
Chlorobenzene (ppb)	.1	1000	100	100	Discharge from chemical and agricultural chemical factories	Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys.

Contaminant (units)	traditional MCL in mg/L	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
o-Dichlorobenzene (ppb)	.6	1000	600	600	Discharge from industrial chemical factories	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.
p-Dichlorobenzene (ppb)	.075	1000	75	75	Discharge from industrial chemical factories	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.
1,2-Dichloroethane (ppb)	.005	1000	5	0	Discharge from industrial chemical factories	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.
1,1-Dichloroethylene (ppb)	.007	1000	7	7	Discharge from industrial chemical factories	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
cis-1,2-Dichloroethylene (ppb)	.07	1000	70	70	Discharge from industrial chemical factories	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
trans-1,2-Dichloroethylene (ppb)	.1	1000	100	100	Discharge from industrial chemical factories	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.
Dichloromethane (ppb)	.005	1000	5	0	Discharge from pharmaceutical and chemical factories	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.
1,2-Dichloropropane (ppb)	.005	1000	5	0	Discharge from industrial chemical factories	Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
Ethylbenzene (ppb)	.7	1000	700	700	Discharge from petroleum refineries	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
Haloacetic Acids (HAA) (ppb)	.060	1000	60	n/a	By-product of drinking water disinfection	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
Styrene (ppb)	.1	1000	100	100	Discharge from rubber and plastic factories; Leaching from landfills	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.
Tetrachloroethylene (ppb)	.005	1000	5	0	Discharge from factories and dry cleaners	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.

Contaminant (units)	traditional MCL in mg/L	to convert for CCR, multiply by	MCL in CCR units	MCLG	Major Sources in Drinking Water	Health Effects Language
1,2,4-Trichlorobenzene (ppb)	.07	1000	70	70	Discharge from textile-finishing factories	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.
1,1,1-Trichloroethane (ppb)	.2	1000	200	200	Discharge from metal degreasing sites and other factories	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.
1,1,2-Trichloroethane (ppb)	.005	1000	5	3	Discharge from industrial chemical factories	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.
Trichloroethylene (ppb)	.005	1000	5	0	Discharge from metal degreasing sites and other factories	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
TTHMs [Total trihalomethanes] (ppb)	0.10/.080	1000	100/80	n/a	By-product of drinking water chlorination	Some people who drink water containing trihalomethanes in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer.
Toluene (ppm)	1	-	1	1	Discharge from petroleum factories	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
Vinyl Chloride (ppb)	.002	1000	2	0	Leaching from PVC piping: Discharge from plastics factories	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.
Xylenes (ppm)	10	-	10	10	Discharge from petroleum factories; Discharge from chemical factories	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.

Key
AL = Action Level
MCL = Maximum Contaminant Level
MCLG = Maximum Contaminant Level Goal
MFL = million fibers per liter
MRDL = Maximum Residual Disinfectant Level
MRDLG = Maximum Residual Disinfectant Level Goal
mrem/year = millirems per year (a measure of radiation absorbed by the body)
N/A = Not Applicable
NTU = Nephelometric Turbidity Units (a measure of water clarity)
pCi/1 = picocuries per liter (a measure of radioactivity)
ppm = parts per million, or milligrams per liter (mg/1)
ppb = parts per billion, or micrograms per liter (g/1)
ppt = parts per trillion, or nanograms per liter
ppq = parts per quadrillion, or picograms per liter
TT = Treatment Technique

[Statutory Authority: RCW 43.20.050 (2) and (3) and 70.119A.080. 03-08-037, § 246-290-72012, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 43.20.050. 00-15-080, § 246-290-72012, filed 7/19/00, effective 8/19/00.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 246-290-990 Water system evaluation and project review and approval fees. (1) The fees for the review and approval of water system plans, project reports, construction documents, existing systems, and related evaluations required under chapters 246-290, 246-291, 246-293, 246-294, and 246-295 WAC shall be as follows:

(a) Water system plans required under WAC 246-290-100, 246-290-105, 246-291-140, 246-293-220, 246-293-230, and 246-294-060.

		Group A				
Project Type	Group B	<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
Water system plan (New and Updated)	$130	$461	$1,131	$2,138	$3,473	$5,141
Minor water system plan alteration	$30	$109	$276	$531	$862	$1,265

(b) Satellite management agency (SMA) plans for Group A and Group B water systems required under WAC 246-295-040.

	Total Active or Approved Services				
Project Type	<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
SMA plan for ownership (New and Updated)	$461	$1,131	$2,138	$3,473	$5,141
SMA approval amendment	$96 per hour or appropriate fee from category above, whichever is less				
SMA plan for operation only (New and Updated)	$1,131	$1,131	$1,131	$1,131	$1,131

Note: SMAs owning water systems and submitting planning documents to the department for review shall be charged only the SMA fee.

(c) New plan elements required under WAC 246-290-100, 246-290-105, 246-290-125, 246-290-132, 246-290-135, 246-290-691, and 246-291-140 including:

(i) Conservation; and

(ii) Wellhead protection, shall be reviewed separately by the department and the fee assessed shall reflect the time spent for this review and shall be calculated based on ninety-six dollars per hour. After the initial submittal, updated information shall be reviewed as part of the updated water system plan and the review fee shall be included in the applicable updated plan review fee listed under (a) or (b) of this subsection.

(d) Project reports required under WAC 246-290-110 and design reports required under WAC 246-291-120.

		Group A				
Project Type	Group B	<100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
All types of filtration or other complex treatment processes	$327	$666	$1,034	$1,499	$2,066	$2,740
Chemical addition only, such as ion exchange, hypochlorination, or fluoridation	$96	$193	$327	$493	$697	$933
Complete water system (an additional fee shall be assessed for review of treatment facility, if any)	$193	$461	$730	$1,066	$1,467	$1,933
System modifications requiring a detailed evaluation to determine whether the system, as modified, will comply with regulations (an additional fee shall be assessed for review of treatment facility, if any)	$130	$327	$531	$799	$1,131	$1,525

Note: In accordance with WAC 246-290-125, project reports are not required for minor projects that are described in sufficient detail in an approved water system plan, and have been reviewed as part of the process for approving the water system plan.

(e) Special reports or plans required under WAC 246-290-230, 246-290-235, 246-290-250, 246-290-470, 246-290-636, 246-290-640, 246-290-654, 246-290-676, 246-291-230 including:

(i) Corrosion control recommendation report;

(ii) Corrosion control study;

(iii) Plan to cover uncovered reservoirs;

(iv) Predesign study;

(v) Uncovered reservoir plan of operation;

(vi) Tracer study plan;

(vii) Surface water or GWI treatment facility operations plan;

(viii) Filtration pilot study; or

(ix) GWI determination reports, shall be reviewed by the department and the fee assessed shall reflect the time spent for this review and shall be calculated based on ninety-six dollars per hour.

(f) Construction documents required under WAC 246-290-120 and design reports required under WAC 246-291-120.

Project Type	Group B	Group A <100 Services	Group A 100 to 500 Services	Group A 501 to 999 Services	Group A 1,000 to 9,999 Services	Group A 10,000 or more Services
All types of filtration or other complex treatment processes	$327	$666	$1,034	$1,499	$2,066	$2,740
Chemical addition only, such as ion exchange, hypochlorination, or fluoridation	$96	$193	$327	$493	$697	$933
Complete new water system except treatment (an additional fee shall be assessed for review of treatment facility, if any)	$264	$594	$862	$1,200	$1,603	$2,066
New source only (an additional fee shall be assessed for review of treatment facility, if any)	$193	359	$493	$666	$862	$1,099
One or more of the following submitted as a package and not requiring a detailed evaluation as determined by the department: Water line installation, booster pump station, modifications to source pumping, piping-valving, controls or storage reservoir (an additional fee shall be assessed for review of treatment facility, if any)	$130	$227	$359	$531	$730	$964
Documents submitted for projects such as water line installation, booster pump stations, modifications to source pumping, piping/valving, controls or storage reservoirs as determined by the department where such projects: Comply with design standards established by the department; Are prepared by a professional engineer in accordance with WAC 246-290-040; and Do not require a detailed evaluation by the department.	$61	$112	$187	$264	$366	$481

(g) Existing system approval required under WAC 246-290-140 and 246-291-130. For the purpose of this subsection the department shall determine whether a system is expanding or nonexpanding.

Project Type	Group B	Group A <100 Services	Group A 100 to 500 Services	Group A 501 to 999 Services	Group A 1,000 to 9,999 Services	Group A 10,000 or more Services
NONEXPANDING system not requiring a detailed evaluation by the department	$252	$506	$761	$1,016	$1,271	$1,525
NONEXPANDING system requiring a detailed evaluation as determined by the department	$379	$761	$1,153	$1,525	$1,907	2,289
EXPANDING system not requiring a detailed evaluation by the department	$506	$1,016	$1,525	$2,034	$2,545	$3,053
EXPANDING system requiring a detailed evaluation as determined by the department	$634	$1,271	$1,907	$2,545	$3,180	$3,817

(h) Monitoring waivers requested under WAC 246-290-300.

Project Type	Group B	Group A <100 Services	Group A 100 to 500 Services	Group A 501 to 999 Services	Group A 1,000 to 9,999 Services	Group A 10,000 or more Services
Inorganic chemical monitoring waiver	Not applicable	$84 per source	$116 per source	$146 per source	$177 per source	$208 per source
Organic chemical monitoring waiver	Not applicable	$152 per source	$213 per source	$277 per source	$338 per source	$400 per source

Project Type	Group B	Group A <100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
Use waiver	Not applicable	$182 per source	$245 per source	$314 per source	$369 per source	$431 per source
Area wide waiver renewal	Not applicable	$182 per source	$226 per source	$270 per source	$314 per source	$346 per source
Inorganic chemical monitoring waiver renewal	Not applicable	$46 per source	$59 per source	$71 per source	$84 per source	$96 per source
Organic chemical monitoring waiver renewal	Not applicable	$90 per source	$127 per source	$166 per source	$202 per source	$239 per source
Use waiver renewal	Not applicable	$127 per source	$171 per source	$213 per source	$257 per source	$301 per source
Coliform monitoring waiver including departmental inspection requested by purveyor	Not applicable	$389	$481	$612	$779	Not applicable
Coliform monitoring waiver with third-party inspection report	Not applicable	$121	$121	$121	$121	Not applicable

(i) Other evaluations and approvals. As applicable, these fees will be charged in addition to the basic fees assessed under (a) through (h) of this subsection.

Project Type	Group B	Group A <100 Services	100 to 500 Services	501 to 999 Services	1,000 to 9,999 Services	10,000 or more Services
Well-site evaluation and approval including the site inspection and hydrogeologic information review.	$193	$290	$342	$424	$531	$666
Regulatory monitoring plan[1]	No plan required	$187	$252	$316	$379	$442
Unfiltered system annual comprehensive report	Not applicable	$379	$634	$889	$1,143	$1,397
[1]A comprehensive document containing coliform, inorganic chemical and organic chemical monitoring plans in accordance with WAC 246-290-300.						
Water system compliance report	$109	$109	$109	$109	$109	$109

(2) To determine the appropriate fee for a noncommunity system, calculate the service equivalent by taking the average population served each day of operation and dividing by twenty-five for a transient noncommunity (TNC) system and two and one-half for nontransient noncommunity (NTNC) system. Use the number of service equivalents to find out what Group A size category to look under and submit the appropriate fee. (All noncommunity systems are Group A systems as described in WAC 246-290-020.)

(3) Additional review and approval fees may be assessed as follows:

(a) The basic fee covers an evaluation, or the review of an initial submittal and one resubmittal if required. If additional resubmittals are required, an additional twenty-five percent of the original fee will be assessed for each additional resubmittal. For water system plan and SMA plan preparation the basic fee also covers a preplanning conference. When the department is asked to participate in other meetings involving the plan such as community meetings, public hearings, or meetings with elected officials, the department is authorized to charge additional fees at the rate of ninety-six dollars per hour;

(b) Fees for department project approval based on local technical review will be determined on a case-by-case basis as outlined in the applicable memorandum of understanding between the department and the respective local agency;

(c) Fees for services which the department determines are not described under subsection (1) of this section, will be calculated based on a rate of ninety-six dollars per hour.

Examples of these services include, but are not limited to:

(i) Review and inspection of water reuse projects;

(ii) Collection of water quality samples requested by purveyor;

(iii) Review of alternate technologies requested by purveyor, manufacturer or authorized representative;

(iv) Sanitary surveys, including the time spent as part of the annual on-site inspections for systems under WAC 246-290-690(3) that is in addition to the time necessary to assess watershed control and disinfection treatment;

(v) Well field designations; or

(vi) Transfers of ownership under WAC 246-290-035 or 246-294-060.

(d) Additional fees assessed by the department shall be billed to the purveyor using an itemized invoice.

(4) If the legislature revises the water system operating permit fee under RCW 70.119A.110 to incorporate into it one or more fees for service currently assessed separately under this section, and the purveyor has paid that consolidated fee,

the department shall not assess or collect a separate fee under this section for any such service.

(5) All fees required under this section except as noted in subsection (3) of this section, shall be submitted prior to the department's approval. Payment of fees shall be in the form of a check or money order made payable to: The Department of Health, P.O. Box 1099, Olympia, Washington 98507-1099, or such successor organization or address as designated by the department. Payment of a fee shall not guarantee approval of the submitted document or evaluation request.

(6) Purveyors unable to determine the appropriate fee payment to submit should contact the department.

[Statutory Authority: RCW 43.70.250, 43.20B.020, and 70.119.160. 03-13-028, § 246-290-990, filed 6/10/03, effective 7/11/03. Statutory Authority: RCW 43.70.250 and 70.119.160. 02-01-065, § 246-290-990, filed 12/14/01, effective 1/14/02. Statutory Authority: RCW 43.70.250. 00-02-015, § 246-290-990, filed 12/27/99, effective 1/27/00; 99-12-022, § 246-290-990, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 43.20B.020. 98-11-068, § 246-290-990, filed 5/19/98, effective 6/19/98; 97-12-032, § 246-290-990, filed 5/30/97, effective 6/30/97; 95-20-079, § 246-290-990, filed 10/4/95, effective 11/4/95; 93-01-006 (Order 315), § 246-290-990, filed 12/3/92, effective 1/3/93. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-290-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20A.055. 87-14-066 (Order 2493), § 440-44-048, filed 7/1/87; 83-14-038 (Order 1980), § 440-44-048, filed 6/30/83.]

Chapter 246-292 WAC

WATER WORKS OPERATOR CERTIFICATION

WAC

246-292-160 Water works certification fees.

WAC 246-292-160 Water works certification fees. (1) Operator fees:

(a) Applicable fees are listed in Table 2 of this section;

Table 2

WATER WORKS OPERATOR FEES

OPERATOR CLASSIFICATION	APPLICATION FEE	REAPPLICATION FEE	ANNUAL RENEWAL FEE	LATE FEE
WTPO	$66.00	$32.00	$32.00*	$27.00**
WDM	$66.00	$32.00	$32.00*	$27.00**
WDS	$66.00	$32.00	$32.00*	$27.00**
CCS	$39.00	$32.00	$32.00*	$27.00**
BAT	$39.00	$32.00	$32.00	$27.00
BTO	$39.00	$32.00	$32.00	$27.00

* The annual renewal fee for a WTPO,WDM,WDS and CCS certification shall be thirty-two dollars regardless of the number of classifications held.

** The annual late fee for a WTPO,WDM,WDS and CCS certification shall be twenty-seven dollars regardless of the number of classifications held.

(b) A late fee shall be assessed to operators failing to submit the required fee within the time period specified on the renewal form; and

(c) The fee for application for reciprocity is one hundred thirty-four dollars per classification.

(2) Group A system fees:

(a) Applicable fees are listed as indicated in Table 3 of this section.

Table 3

ANNUAL SYSTEM CERTIFICATION FEES

SYSTEM SIZE* (Number of Equivalent Services)	SYSTEM FEE
Less than 601 Services	$ 100.00
601 through 6,000 Services	$ 304.00
6,001 through 20,000 Services	$ 405.00
More than 20,000 Services	$ 610.00

* Systems designated by the department as approved satellite management agencies (SMAs) shall pay a fee based on total services in all systems owned by the SMA.

(b) Group A system fees shall be paid in conjunction with the system's annual operating permit fee required in chapter 246-294 WAC.

(c) A late fee shall be assessed against any system for failing to submit the applicable fee to the department within the designated time period. The late fee shall be based on the water system's classification and shall be an additional ten percent of the applicable system fee or twenty-seven dollars, whichever is greater.

(d) The system fee for issuance of a temporary certification shall be sixty-six dollars for each temporary position.

(3) Fees are nonrefundable and transfers of fees are not allowable.

(4) Payment of fees required under this chapter shall be in the form of a check or money order made payable to the department of health and shall be mailed to Department of Health, P.O. Box 1099, Olympia, Washington 98507-1099, or such successor organization or address as designated by the department.

[Statutory Authority: RCW 43.70.250, 43.20B.020, and 70.119.160. 03-13-028, § 246-292-160, filed 6/10/03, effective 7/11/03. Statutory Authority: RCW 43.70.250 and 70.119.160. 02-01-065, § 246-292-160, filed 12/14/01, effective 1/14/02. Statutory Authority: Chapter 70.119 RCW and Safe Drinking Water Act, Public Law 104-182; 64 F.R. 5916 - 5921. 01-02-070, § 246-292-160, filed 12/29/00, effective 1/29/01. Statutory Authority: RCW 43.70.250. 00-02-015, § 246-292-160, filed 12/27/99, effective 1/27/00; 99-12-022, § 246-292-160, filed 5/24/99, effective 6/24/99. Statutory Authority: RCW 43.20B.020. 98-12-015, § 246-292-160, filed 5/22/98, effective 6/22/98. Statutory Authority: Chapter 70.119 RCW. 94-04-004, § 246-292-160, filed 1/20/94, effective 2/20/94.]

Chapter 246-310 WAC

CERTIFICATE OF NEED

WAC

246-310-290 Hospice services—Standards and need forecasting method.
246-310-295 Hospice care center—Standards.
246-310-990 Certificate of need review fees.

WAC 246-310-290 Hospice services—Standards and need forecasting method. The following rules apply to any in-home services agency licensed to provide hospice services which has declared an intent to become Medicare certified as a provider of hospice services in a designated service area.

(1) Definitions.

(a) "ADC" means average daily census and is calculated by:

(i) Multiplying projected annual agency admissions by the most recent average length of stay in Washington (based on Center for Medicare and Medicaid Services (CMS) data) to derive the total annual days of care; and

(ii) Dividing this total by three hundred sixty-five (days per year) to determine the ADC.

(b) "Current supply of hospice providers" means:

(i) Services of all providers that are licensed and Medicare certified as a provider of hospice services or that have a valid (unexpired) certificate of need but have not yet obtained a license; and

(ii) Hospice services provided directly by health maintenance organizations who are exempt from the certificate of need program. Health maintenance organization services provided by an existing provider will be counted under (b)(i) of this subsection.

(c) "Current hospice capacity" means:

(i) For hospice agencies that have operated (or been approved to operate) in the planning area for three years or more, the average number of admissions for the last three years of operation; and

(ii) For hospice agencies that have operated (or been approved to operate) in the planning area for less than three years, an ADC of thirty-five and the most recent Washington average length of stay data will be used to calculate assumed annual admissions for the agency as a whole for the first three years.

(d) "Hospice agency" or "in-home services agency licensed to provide hospice services" means a person administering or providing hospice services directly or through a contract arrangement to individuals in places of temporary or permanent residence under the direction of an interdisciplinary team composed of at least a nurse, social worker, physician, spiritual counselor, and a volunteer and, for the purposes of certificate of need, is or has declared an intent to become Medicaid eligible or certified as a provider of services in the Medicare program.

(e) "Hospice services" means symptom and pain management provided to a terminally ill individual, and emotional, spiritual and bereavement support for the individual and family in a place of temporary or permanent residence and may include the provision of home health and home care services for the terminally ill individual.

(f) "Planning area" means each individual county designated by the department as the smallest geographic area for which hospice services are projected. For the purposes of certificate of need, a planning or combination of planning areas may serve as the service area.

(g) "Service area" means, for the purposes of certificate of need, the geographic area for which a hospice agency is approved to provide Medicare certified or Medicaid eligible services and which consist of one or more planning areas.

(2) The department shall review hospice applications using the concurrent review cycle in this section, except when the sole hospice provider in the service area ceases operation. Applications to meet this need may be accepted and reviewed in accordance with the regular review process.

(3) Applications must be submitted and reviewed according to the following schedule and procedures:

(a) Letters of intent must be submitted between the first working day and last working day of September of each year.

(b) Initial applications must be submitted between the first working day and last working day of October of each year.

(c) The department shall screen initial applications for completeness by the last working day of November of each year.

(d) Responses to screening questions must be submitted by the last working day of December of each year.

(e) The public review and comment for applications shall begin on January 16 of each year. If January 16 is not a working day in any year, then the public review and comment period must begin on the first working day after January 16.

(f) The public comment period is limited to ninety days, unless extended according to the provisions of WAC 246-310-120 (2)(d). The first sixty days of the public comment period must be reserved for receiving public comments and conducting a public hearing, if requested. The remaining thirty days must be for the applicant or applicants to provide rebuttal statements to written or oral statements submitted during the first sixty-day period. Also, any interested person that:

(i) Is located or resides within the applicant's health service area;

(ii) Testified or submitted evidence at a public hearing; and

(iii) Requested in writing to be informed of the department's decision, shall also be provided the opportunity to provide rebuttal statements to written or oral statements submitted during the first sixty-day period.

(g) The final review period shall be limited to sixty days, unless extended according to the provisions of WAC 246-310-120 (2)(d).

(4) Any letter of intent or certificate of need application submitted for review in advance of this schedule, or certificate of need application under review as of the effective date of this section, shall be held by the department for review according to the schedule in this section.

(5) When an application initially submitted under the concurrent review cycle is deemed not to be competing, the department may convert the review to a regular review process.

(6) Hospice agencies applying for a certificate of need must demonstrate that they can meet a minimum average daily census (ADC) of thirty-five patients by the third year of operation. An application projecting an ADC of under thirty-five patients may be approved if the applicant:

(a) Commits to maintain Medicare certification;

(b) Commits to serve one or more counties that do not have any Medicare certified providers; and

(c) Can document overall financial feasibility.

(7) Need projection. The following steps will be used to project the need for hospice services.

(a) Step 1. Calculate the following four statewide predicted hospice use rates using CMS and department of health data or other available data sources.

(i) The predicted percentage of cancer patients sixty-five and over who will use hospice services. This percentage is calculated by dividing the average number of hospice admissions over the last three years for patients the age of sixty-five and over with cancer by the average number of past three years statewide total deaths sixty-five and over from cancer.

(ii) The predicted percentage of cancer patients under sixty-five who will use hospice services. This percentage is calculated by dividing the average number of hospice admissions over the last three years for patients under the age of sixty-five with cancer by the current statewide total of deaths under sixty-five with cancer.

(iii) The predicted percentage of noncancer patients sixty-five and over who will use hospice services. This percentage is calculated by dividing the average number of hospice admissions over the last three years for patients age sixty-five and over with diagnoses other than cancer by the current statewide total of deaths over sixty-five with diagnoses other than cancer.

(iv) The predicted percentage of noncancer patients under sixty-five who will use hospice services. This percentage is calculated by dividing the average number of hospice admissions over the last three years for patients under the age of sixty-five with diagnoses other than cancer by the current statewide total of deaths under sixty-five with diagnoses other than cancer.

(b) Step 2. Calculate the average number of total resident deaths over the last three years for each planning area.

(c) Step 3. Multiply each hospice use rate determined in Step 1 by the planning areas average total resident deaths determined in Step 2.

(d) Step 4. Add the four subtotals derived in Step 3 to project the potential volume of hospice services in each planning area.

(e) Step 5. Inflate the potential volume of hospice service by the one-year estimated population growth (using OFM data).

(f) Step 6. Subtract the current hospice capacity in each planning area from the above projected volume of hospice services to determine unmet need.

(g) Determine the number of hospice agencies in the proposed planning area which could support the unmet need with an ADC of thirty-five.

(8) In addition to demonstrating need under subsection (7) of this section, hospice agencies must meet the other certificate of need requirements including WAC 246-310-210 - Determination of need, WAC 246-310-220 - Determination of financial feasibility, WAC 246-310-230 - Criteria for structure and process of care, and WAC 246-310-240 - Determination of cost containment.

(9) If two or more hospice agencies are competing to meet the same forecasted net need, the department shall consider at least the following factors when determining which proposal best meets forecasted need:

(a) Improved service in geographic areas and to special populations;

(b) Most cost efficient and financially feasible service;

(c) Minimum impact on existing programs;

(d) Greatest breadth and depth of hospice services;

(e) Historical provision of services; and

(f) Plans to employ an experienced and credentialed clinical staff with expertise in pain and symptom management.

(10) Failure to operate the hospice agency in accordance with the certificate of need standards may be grounds for revocation or suspension of an agency's certificate of need, or other appropriate action.

[Statutory Authority: Chapters 70.127 and 70.38 RCW. 03-07-096, § 246-310-290, filed 3/19/03, effective 4/19/03.]

WAC 246-310-295 Hospice care center—Standards. The following rules apply to any in-home services agency licensed to provide hospice services, that is or has declared an intent to become additionally licensed to provide hospice care center services.

(1) Definitions.

(a) "Applicant" means an in-home services agency licensed to provide hospice services under chapter 246-335 WAC.

(b) "Hospice care center" means a homelike, noninstitutional facility where hospice services are provided, and that meet the requirements for operation under RCW 70.127.280 and chapter 246-335 WAC.

(2) The department shall review hospice care center applications using the concurrent review cycle in this section.

(3) Applications must be submitted and reviewed according to the following schedule and procedures.

(a) Letters of intent must be submitted between the first working day and last working day of October of each year.

(b) Initial applications must be submitted between the first working day and last working day of November of each year.

(c) The department shall screen initial applications for completeness by the last working day of December of each year.

(d) Responses to screening questions must be submitted by the last working day of January of each year.

(e) The public review and comment for applications begins on February 16 of each year. If February 16 is not a working day in any year, then the public review and comment period must begin on the first working day after February 16.

(f) The public comment period is limited to ninety days, unless extended under WAC 246-310-120 (2)(d). The first sixty days of the public comment period must be reserved for receiving public comments and conducting a public hearing, if requested. The remaining thirty days must be for the applicant or applicants to provide rebuttal statements to written or oral statements submitted during the first sixty-day period. Any interested person that:

(i) Is located or resides within the applying hospice agency's health service area;

(ii) Testified or submitted evidence at a public hearing; and

(iii) Requested in writing to be informed of the department's decision, shall also be provided the opportunity to provide rebuttal statements to written or oral statements submitted during the first sixty-day period.

(g) The final review period is limited to sixty days, unless extended under WAC 246-310-120 (2)(d).

(4) Any letter of intent or certificate of need application submitted for review in advance of this schedule, or certificate of need application under review as of the effective date of this section, shall be held by the department for review according to the schedule in this section.

(5) If an application initially submitted under the concurrent review cycle is deemed not to be competing, the department may convert the review to a regular review process.

(6) An applicant must provide the following documentation to demonstrate that the applicant's existing patient base is sufficient to support the creation of the hospice care center.

(a) Step 1. Determine the average total days of care provided in the applicant's preceding three years of operation. If the applicant has been in operation for less than three years, assume an ADC of thirty-five to calculate potential days of care;

(b) Step 2. Multiply the above average days of care by the applicant's annual percentage of patients requiring care in settings other than their private home to estimate the number of potential patient days. If the applicant has been in operation for less than three years, multiply the potential days of care by the statewide percentage of hospice patients requiring care in settings other than their private home;

(c) Step 3. Divide the estimated number of patient days by three hundred sixty-five (days per year) to estimate the average daily census for the applicant;

(d) Step 4. Assume a minimum occupancy of sixty-five percent to determine the number of beds the applicant could request in their application.

(7) If applying for more beds than provided for in subsection (6) of this section, the applicant must provide documentation, methodology and assumptions that support the applicant's ability to sustain the additional beds.

(8) The following occupancy requirements apply to all applicants:

(a) The average occupancy rate of the beds in the center must be projected to be at least fifty percent for the first three years following completion of the project;

(b) A minimum occupancy rate of sixty-five percent should be maintained after the first three years of operation; and

(c) If applying to add beds to an existing hospice care center the applicant must document that the average occupancy of the beds in the hospice care center was at least eighty percent for the nine months immediately preceding the submittal of the proposal.

(9) The applicant must document that they can maintain the minimum occupancy rate and still meet the following requirements:

(a) No more than forty-nine percent of the hospice agency's patient care days, in the aggregate on a biennial basis, can be provided in the hospice care center, under RCW 70.127.280; and

(b) The maximum number of beds in a hospice care center is twenty, under chapter 70.127 RCW.

(10) Failure to operate the hospice care center in accordance with the application relied upon by the department in making its decision may be grounds for revocation or suspension of a center's certificate of need, or other appropriate action.

[Statutory Authority: Chapters 70.127 and 70.38 RCW. 03-07-096, § 246-310-295, filed 3/19/03, effective 4/19/03.]

WAC 246-310-990 Certificate of need review fees. (1) An application for a certificate of need under chapter 246-310 WAC must include payment of a fee consisting of the following:

(a) A review fee based on the facility/project type;

(b) If more than one facility/project type applies to an application, the review fee for each type of facility/project must be included.

Facility/Project Type	Review Fee
Ambulatory Surgical Centers/Facilities	$13,379.00
Amendments to Issued Certificates of Need	$8,432.00
Emergency Review	$5,427.00
Exemption Requests	
• Continuing Care Retirement Communities (CCRCs)/Health Maintenance Organization (HMOs)	$5,427.00
• Bed Banking/Conversions	$883.00
• Determinations of Nonreviewability	$1,261.00
• Hospice Care Center	$1,136.00
• Nursing Home Replacement/Renovation Authorizations	$1,136.00
• Nursing Home Capital Threshold under RCW 70.38.105 (4)(e) (Excluding Replacement/Renovation Authorizations)	$1,136.00
• Rural Hospital/Rural Health Care Facility	$1,136.00
Extensions	
• Bed Banking	$505.00
• Certificate of Need/Replacement Renovation Authorization Validity Period	$505.00
Home Health Agency	$16,155.00
Hospice Agency	$14,388.00
Hospice Care Centers	$8,432.00
Hospital (Excluding Transitional Care Units-TCUs, Ambulatory Surgical Center/Facilities, Home Health, Hospice, and Kidney Disease Treatment Centers)	$26,506.00
Kidney Disease Treatment Centers	$16,409.00
Nursing Homes (Including CCRCs and TCUs)	$30,293.00

(2) The fee for amending a pending certificate of need application is determined as follows:

(a) If an amendment to a pending certificate of need application results in the addition of one or more facility/project types, the review fee for each additional facility/project type must accompany the amendment application;

(b) If an amendment to a pending certificate of need application results in the removal of one or more facility/project types, the department shall refund to the applicant the difference between the review fee previously paid and the review fee applicable to the new facility/project type; or

(c) If an amendment to a pending certificate of need application results in any other change as identified in WAC

246-310-100, a fee of one thousand three hundred fifty-one dollars must accompany the amendment application.

(3) If a certificate of need application is returned by the department under WAC 246-310-090 (2)(b) or (e), the department shall refund seventy-five percent of the review fees paid.

(4) If an applicant submits a written request to withdraw a certificate of need application before the beginning of review, the department shall refund seventy-five percent of the review fees paid by the applicant.

(5) If an applicant submits a written request to withdraw a certificate of need application after the beginning of review, but before the beginning of the ex parte period, the department shall refund one-half of all review fees paid.

(6) If an applicant submits a written request to withdraw a certificate of need application after the beginning of the ex parte period the department shall not refund any of the review fees paid.

(7) Review fees for exemptions and extensions are nonrefundable.

[Statutory Authority: RCW 43.70.250 and 70.38.105(5). 03-22-020, § 246-310-990, filed 10/27/03, effective 11/27/03. Statutory Authority: Chapters 70.127 and 70.38 RCW. 03-07-096, § 246-310-990, filed 3/19/03, effective 4/19/03. Statutory Authority: RCW 70.38.105 and 2002 c 371. 02-14-051, § 246-310-990, filed 6/27/02, effective 7/28/02. Statutory Authority: RCW 70.38.105(5) and 43.70.110. 01-15-094, § 246-310-990, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 70.38.105(5). 99-23-089, § 246-310-990, filed 11/16/99, effective 12/17/99. Statutory Authority: Chapter 70.38 RCW. 96-24-052, § 246-310-990, filed 11/27/96, effective 12/28/96. Statutory Authority: RCW 70.38.135, 43.70.250 and 70.38.919. 92-02-018 (Order 224), § 246-310-990, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-310-990, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.38 RCW. 90-15-001 (Order 070), § 440-44-030, filed 7/6/90, effective 8/6/90. Statutory Authority: RCW 43.20A.055. 89-21-042 (Order 2), § 440-44-030, filed 10/13/89, effective 11/13/89; 87-16-084 (Order 2519), § 440-44-030, filed 8/5/87; 87-12-049 (Order 2494), § 440-44-030, filed 6/1/87; 84-13-006 (Order 2109), § 440-44-030, filed 6/7/84; 83-21-015 (Order 2037), § 440-44-030, filed 10/6/83. Statutory Authority: 1982 c 201. 82-13-011 (Order 1825), § 440-44-030, filed 6/4/82.]

Chapter 246-320 WAC
HOSPITAL LICENSING REGULATIONS

WAC

246-320-990 Fees.

WAC 246-320-990 Fees. Hospitals licensed under chapter 70.41 RCW shall:

(1) Submit an annual license fee of eighty-six dollars and eighty cents for each bed space within the licensed bed capacity of the hospital to the department;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include neonatal intensive care bassinet spaces;

(4) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The hospital currently possesses the required movable equipment and certifies this fact to the department;

(5) Exclude all normal infant bassinets;

(6) Limit licensed bed spaces as required under chapter 70.38 RCW;

(7) Submit an application for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the hospital licensed bed capacity; and

(8) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

[Statutory Authority: RCW 43.70.250 and 70.38.105(5). 03-22-020, § 246-320-990, filed 10/27/03, effective 11/27/03. Statutory Authority: RCW 43.70.250. 02-13-061, § 246-320-990, filed 6/14/02, effective 7/15/02. Statutory Authority: RCW 70.41.100, 43.20B.110, and 43.70.250. 01-20-119, § 246-320-990, filed 10/3/01, effective 11/3/01; 99-24-096, § 246-320-990, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 70.41.030 and 43.70.040. 99-04-052, § 246-320-990, filed 1/28/99, effective 3/10/99.]

Chapter 246-322 WAC
PRIVATE PSYCHIATRIC AND ALCOHOLISM HOSPITALS

WAC

246-322-990 Private psychiatric hospital fees.

WAC 246-322-990 Private psychiatric hospital fees. Private psychiatric hospitals licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of fifty-three dollars and forty cents for each bed space within the licensed bed capacity of the hospital to the department;

(2) Include all bed spaces and rooms complying with physical plant and movable equipment requirements of this chapter for twenty-four-hour assigned patient rooms;

(3) Include bed spaces assigned for less than twenty-four-hour patient use as part of the licensed bed capacity when:

(a) Physical plant requirements of this chapter are met without movable equipment; and

(b) The private psychiatric hospital currently possesses the required movable equipment and certifies this fact to the department;

(4) Limit licensed bed spaces as required under chapter 70.38 RCW;

(5) Submit applications for bed additions to the department for review and approval under chapter 70.38 RCW subsequent to department establishment of the private psychiatric hospital's licensed bed capacity; and

(6) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

[Statutory Authority: RCW 43.70.250 and 70.38.105(5). 03-22-020, § 246-322-990, filed 10/27/03, effective 11/27/03. Statutory Authority: RCW 43.70.250. 02-13-061, § 246-322-990, filed 6/14/02, effective 7/15/02. Statutory Authority: RCW 71.12.470, 43.70.110 and 43.70.250. 01-15-092, § 246-322-990, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 43.70.250 and 43.20B.020. 99-24-060, § 246-322-990, filed 11/29/99, effective 12/30/99. Statutory Authority: RCW 43.70.250, 43.70.110 and 43.20B.020. 95-12-097, § 246-322-990, filed 6/7/95, effective 7/8/95. Statutory Authority: RCW 43.70.250. 92-12-028 (Order 273), § 246-322-990, filed 5/28/92, effective 6/28/92. Statutory Authority: RCW 43.70.040. 91-02-050 (Order 122), § 246-322-990, filed 12/27/90, effective 1/31/91.]

Chapter 246-323 WAC

RESIDENTIAL TREATMENT FACILITIES FOR PSYCHIATRICALLY IMPAIRED CHILDREN AND YOUTH

WAC

246-323-990 Fees.

WAC 246-323-990 Fees. Residential treatment facilities for psychiatrically impaired children and youth (RTF-CY) licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of eighty-eight dollars for each bed space within the licensed bed capacity of the RTF-CY;

(2) Include all bed spaces and rooms complying with physical plant and movable equipment requirements of this chapter; and

(3) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

[Statutory Authority: RCW 43.70.250. 03-14-147, § 246-323-990, filed 7/2/03, effective 8/1/03; 02-16-068, § 246-323-990, filed 8/5/02, effective 9/5/02. Statutory Authority: RCW 71.12.470, 43.70.110 and 43.70.250. 01-15-091, § 246-323-990, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 71.12.470, 43.70.110, 43.70.250 and 43.208.020. 99-24-094, § 246-323-990, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 43.70.250, 43.70.110 and 43.20B.020. 95-12-097, § 246-323-990, filed 6/7/95, effective 7/8/95. Statutory Authority: RCW 43.70.250. 92-15-048 (Order 287), § 246-323-990, filed 7/10/92, effective 8/10/92. Statutory Authority: RCW 43.70.040. 91-02-050 (Order 122), § 246-323-990, filed 12/27/90, effective 1/31/91.]

Chapter 246-324 WAC

PRIVATE ALCOHOL AND CHEMICAL DEPENDENCY HOSPITALS

WAC

246-324-990 Fees.

WAC 246-324-990 Fees. The licensee shall submit:

(1) An initial fee of fifty-three dollars and forty cents for each bed space within the proposed licensed bed capacity; and

(2) An annual renewal fee of fifty-three dollars and forty cents for each licensed bed space.

[Statutory Authority: RCW 43.70.250 and 70.38.105(5). 03-22-020, § 246-324-990, filed 10/27/03, effective 11/27/03. Statutory Authority: RCW 43.70.250. 02-13-061, § 246-324-990, filed 6/14/02, effective 7/15/02. Statutory Authority: RCW 71.12.470, 43.70.110 and 43.70.250. 01-15-092, § 246-324-990, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 43.70.250 and 43.20B.020. 99-24-060, § 246-324-990, filed 11/29/99, effective 12/30/99. Statutory Authority: Chapter 71.12 RCW and RCW 43.60.040. 95-22-013, § 246-324-990, filed 10/20/95, effective 11/20/95.]

Chapter 246-325 WAC

ADULT RESIDENTIAL REHABILITATION CENTERS AND PRIVATE ADULT TREATMENT HOMES

WAC

246-325-990 Fees.

WAC 246-325-990 Fees. Adult residential rehabilitation centers (ARRC) licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of one hundred thirty-two dollars and ten cents for each bed space within the licensed bed capacity of the ARRC;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements in this chapter for client sleeping rooms; and

(3) Set up twenty-four-hour assigned client beds only within the licensed bed capacity approved by the department.

[Statutory Authority: RCW 43.70.250 and 70.38.105(5). 03-22-020, § 246-325-990, filed 10/27/03, effective 11/27/03. Statutory Authority: RCW 43.70.250 and 2002 c 371. 02-20-040, § 246-325-990, filed 9/24/02, effective 11/1/02. Statutory Authority: RCW 71.12.470, 43.70.110 and 43.70.250. 01-15-091, § 246-325-990, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 71.12.470, 43.70.110, 43.70.250 and 43.208.020. 99-24-094, § 246-325-990, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 43.70.250, 43.70.110 and 43.20B.020. 95-12-097, § 246-325-990, filed 6/7/95, effective 7/8/95. Statutory Authority: RCW 43.70.250. 92-15-048 (Order 287), § 246-325-990, filed 7/10/92, effective 8/10/92. Statutory Authority: RCW 43.70.040. 91-02-050 (Order 122), § 246-325-990, filed 12/27/90, effective 1/31/91.]

Chapter 246-326 WAC

ALCOHOLISM TREATMENT FACILITIES

WAC

246-326-990 Fees.

WAC 246-326-990 Fees. Alcoholism treatment facilities licensed under chapter 71.12 RCW shall:

(1) Submit an annual fee of one hundred thirty-two dollars and ten cents for each bed space within the licensed bed capacity of the alcoholism treatment facility to the department;

(2) Include all bed spaces in rooms complying with physical plant and movable equipment requirements for twenty-four-hour assigned patient rooms; and

(3) Set up twenty-four-hour assigned patient beds only within the licensed bed capacity approved by the department.

[Statutory Authority: RCW 43.70.250 and 70.38.105(5). 03-22-020, § 246-326-990, filed 10/27/03, effective 11/27/03. Statutory Authority: RCW 43.70.250 and 2002 c 371. 02-20-040, § 246-326-990, filed 9/24/02, effective 11/1/02. Statutory Authority: RCW 71.12.470, 43.70.110 and 43.70.250. 01-15-091, § 246-326-990, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 71.12.470, 43.70.110, 43.70.250 and 43.208.020. 99-24-094, § 246-326-990, filed 11/30/99, effective 12/31/99. Statutory Authority: RCW 43.70.250, 43.70.110 and 43.20B.020. 95-12-097, § 246-326-990, filed 6/7/95, effective 7/8/95. Statutory Authority: RCW 43.70.250. 92-12-028 (Order 273), § 246-326-990, filed 5/28/92, effective 6/28/92. Statutory Authority: RCW 43.70.040. 91-02-050 (Order 122), § 246-326-990, filed 12/27/90, effective 1/31/91.]

Chapter 246-329 WAC

CHILDBIRTH CENTERS

WAC

246-329-990 Fees.

WAC 246-329-990 Fees. Childbirth centers licensed under chapter 18.46 RCW shall submit an annual fee of five hundred forty-seven dollars and eighty cents to the department unless a center is a charitable, nonprofit, or government-operated institution under RCW 18.46.030.

[Statutory Authority: RCW 43.70.250 and 70.38.105(5). 03-22-020, § 246-329-990, filed 10/27/03, effective 11/27/03. Statutory Authority: RCW 43.70.250. 02-13-061, § 246-329-990, filed 6/14/02, effective 7/15/02. Stat-

utory Authority: RCW 18.46.030, 43.70.110 and 43.70.250. 01-15-090, § 246-329-990, filed 7/18/01, effective 8/18/01. Statutory Authority: RCW 43.70.040. 91-02-050 (Order 122), § 246-329-990, filed 12/27/90, effective 1/31/91.]

Chapter 246-335 WAC
IN-HOME SERVICES AGENCIES

(Formerly chapters 246-327, 246-331 and 246-336 WAC)

WAC

246-335-015 Definitions.
246-335-060 Delivery of services.
246-335-990 Fees.

WAC 246-335-015 Definitions. For the purposes of this chapter, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

(1) "AAA" means the area agency on aging designated by the aging and adult services administration to contract for home care services with the department of social and health services.

(2) "Acute care" means care provided by an in-home services agency licensed to provide home health services for patients who are not medically stable or have not attained a satisfactory level of rehabilitation. These patients require frequent monitoring by a licensed nurse, therapist, dietician, or social worker to assess health status and progress.

(3) "Administrator" means an individual responsible for managing the operation of an in-home services agency.

(4) "Agency" means an in-home services agency licensed to provide home health, home care, hospice or hospice care center services.

(5) "Assessment" means:

(a) For home health and hospice agencies and hospice care centers, an evaluation of patient needs by an appropriate health care professional; or

(b) For home care agencies, an on-site visit by appropriate agency personnel to determine services requested or recommended to meet client needs.

(6) "Authenticated" means a written signature or unique identifier verifying accuracy of information.

(7) "Authorizing practitioner" means an individual authorized to approve a home health, hospice or hospice care center plan of care.

(a) For home health services:

(i) A physician licensed under chapter 18.57 or 18.71 RCW;

(ii) A podiatric physician and surgeon licensed under chapter 18.22 RCW; or

(iii) An advanced registered nurse practitioner (ARNP), as authorized under chapter 18.79 RCW;

(b) For hospice and hospice care center services:

(i) A physician licensed under chapter 18.57 or 18.71 RCW; or

(ii) An advanced registered nurse practitioner (ARNP), as authorized under chapter 18.79 RCW;

(8) "Bereavement" means care provided to the patient's family with the goal of alleviating the emotional and spiritual discomfort associated with the patient's death.

(9) "Client" means an individual receiving home care services.

(10) "Construction" for the purposes of hospice care centers means:

(a) New building(s) to be used as a hospice care center;

(b) Addition(s) to or conversion(s), either in whole or in part, of an existing building or buildings to be used as a hospice care center or a portion thereof; or

(c) Alteration or modification to a hospice care center.

(11) "Contractor" means an individual, person, or licensee who has a written contract with a licensee to provide patient or client care services or equipment.

(12) "Deemed status" means a designation assigned by the department for an in-home services agency licensed to provide home health, home care, or hospice services meeting the provisions of WAC 246-335-050, certified or accredited by organizations recognized by RCW 70.127.085, or monitored under contract with the department of social and health services under RCW 70.127.085 to provide home care services.

(13) "Department" means the Washington state department of health.

(14) "Dietician" means a person certified under chapter 18.138 RCW or registered by the American Dietetic Association.

(15) "Director of clinical services" means an individual responsible for nursing, therapy, nutritional, social, or related services that support the plan of care provided by in-home services agencies licensed to provide home health, hospice or hospice care center services.

(16) "Document" means the process of recording information relating to patient or client care verified by signature or unique identifier, title, and date.

(17) "Family" means an individual or individuals who are important to, and designated in writing by, the patient or client and need not be relatives, or who are legally authorized to represent the patient or client.

(18) "Health care professional" means an individual who provides health or health-related services within the individual's authorized scope of practice and who is licensed, registered or certified under Title 18 RCW, Business and professions.

(19) "Home care agency" or "in-home services agency licensed to provide home care services" means a person administering or providing home care services directly or through a contract arrangement to clients in places of permanent or temporary residence. A home care agency that provides delegated tasks of nursing under RCW 18.79.260 (3)(e) and rules adopted thereunder is not considered a home health agency for purposes of this chapter.

(20) "Home care aide" means an individual providing home care services.

(21) "Home care services" means nonmedical services and assistance provided to ill, disabled, or vulnerable clients that enables them to remain in their residences. Home care services include, but are not limited to: Personal care such as assistance with dressing, feeding and personal hygiene to facilitate self-care; homemaker assistance with household tasks, such as housekeeping, shopping, meal planning and preparation, and transportation; respite care assistance and support provided to the family; or other nonmedical tasks, as

defined in this section or delegated tasks of nursing under RCW 18.79.260 (3)(e) and rules adopted thereunder.

(22) "Home health agency" or "in-home services agency licensed to provide home health services" means a person administering or providing two or more home health services directly or through a contract arrangement to patients in places of permanent or temporary residence. A person administering or providing only nursing services may elect to be an in-home services agency licensed to provide home health services.

(23) "Home health aide" means an individual registered or certified as a nursing assistant under chapter 18.88A RCW.

(24) "Home health aide services" means services provided by home health aides in an in-home services agency licensed to provide home health, hospice, or hospice care center services under the supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist. Such care may include ambulation and exercise, medication assistance level 1 and level 2, reporting changes in patients' conditions and needs, completing appropriate records, and personal care or homemaker services, and other nonmedical tasks, as defined in this section.

(25) "Home health services" means services provided to ill, disabled, or vulnerable patients. These services include, but are not limited to, nursing services, home health aide services, physical therapy services, occupational therapy services, speech therapy services, respiratory therapy services, nutritional services, medical social services, home medical supplies or equipment services, and professional medical equipment assessment services.

(26) "Home medical supplies or equipment services" means providing diagnostic, treatment, and monitoring equipment and supplies used in the direct care of patients or clients as stated in a plan of care.

(27) "Homelike" for the purposes of a hospice care center means an environment having the qualities of a home, including privacy, comfortable surroundings, opportunities for patient self-expression, and supporting interaction with the family, friends, and community.

(28) "Hospice agency" or "in-home services agency licensed to provide hospice services" means a person administering or providing hospice services directly or through a contract arrangement to patients in places of permanent or temporary residence under the direction of an interdisciplinary team.

(29) "Hospice care center" or "in-home services agency licensed to provide hospice care center services" means a homelike, noninstitutional facility where hospice services are provided, and that meet the requirements for operation under RCW 70.127.280 and applicable rules.

(30) "Hospice care center service category" means the different levels of care provided in a hospice care center, including continuous care, general inpatient care, inpatient respite care, and routine home care.

(a) "Continuous care" means care for patients requiring a minimum of eight hours of one-to-one services in a calendar day, with assessment and supervision by an RN. An RN, LPN or home health aide may provide the care or treatment, according to practice acts and the rules adopted thereunder, of acute or chronic symptoms, including a crisis in their caregiving.

(b) "General inpatient care" means care for patients requiring an RN on-site twenty-four hours a day, for assessment and supervision. An RN, LPN or home health aide may provide the care or treatment, according to practice acts and the rules adopted thereunder, of acute or chronic symptoms, including a crisis in their caregiving.

(c) "Inpatient respite care" means care for patients whose caregivers require short-term relief of their caregiving duties.

(d) "Routine home care" means the core level of service for patients not receiving continuous care, general inpatient care, or inpatient respite care.

(31) "Hospice care center services" means hospice services provided in a hospice care center and may include any of the levels of care defined as hospice care center service categories.

(32) "Hospice services" means symptom and pain management provided to a terminally ill patient, and emotional, spiritual and bereavement support for the patient and family in a place of temporary or permanent residence, including hospice care centers, and may include the provision of home health and home care services for the terminally ill patient through an in-home services agency licensed to provide hospice or hospice care center services.

(33) "In-home services agency" or "in-home services licensee" means a person licensed to administer or provide home health, home care, hospice or hospice care center services directly or through a contract arrangement to patients or clients in a place of temporary or permanent residence.

(34) "In-home services category" means home health, home care, hospice, or hospice care center services.

(35) "Interdisciplinary team" means the group of individuals involved in patient care providing hospice services or hospice care center services including, at a minimum, a physician, registered nurse, social worker, spiritual counselor and volunteer.

(36) "Licensed practical nurse" or "LPN" means an individual licensed as a practical nurse under chapter 18.79 RCW.

(37) "Licensed nurse" means a licensed practical nurse or registered nurse.

(38) "Licensee" means the person to whom the department issues the in-home services license.

(39) "Maintenance care" means care provided by in-home services agencies licensed to provide home health services that are necessary to support an existing level of health, to preserve a patient from further failure or decline, or to manage expected deterioration of disease. These patients require periodic monitoring by a licensed nurse, therapist, dietician, or social worker to assess health status and progress.

(40) "Managed care plan" means a plan controlled by the terms of the reimbursement source.

(41) "Medical director" means a physician licensed under chapter 18.57 or 18.71 RCW responsible for the medical component of patient care provided in an in-home services agency licensed to provide hospice and hospice care center services according to WAC 246-335-055 (4)(a).

(42) "Medication assistance level 1" means home health aide assistance with medications, that includes the applica-

tion, instillation or insertion of medications under a plan of care, for patients of an in-home services agency licensed to provide home health, hospice or hospice care center services and are under the direction of appropriate agency health care personnel. The assistance must be provided in accordance with the Nurse Practice Act as defined in chapter 18.79 RCW and rules adopted thereunder and the nursing assistant scope of practice as defined in chapter 18.88A RCW and the rules adopted thereunder.

(43) "Medication assistance level 2" means assistance with medications as defined by the board of pharmacy in chapter 246-888 WAC.

(44) "Nonmedical tasks" means those tasks which do not require clinical judgment and which can be performed by unlicensed individuals. These tasks are ordinarily performed by the patient or client, which if not for the patient or client's cognitive or physical limitation(s), would be completed independently by the patient, client, or family. These tasks may be completed by home health aides or home care aides. These nonmedical tasks include, but are not limited to:

(a) "Ambulation" which means assisting the patient or client to move around. Ambulation includes supervising or guiding the patient or client when walking alone or with the help of a mechanical device such as a walker, assisting with difficult parts of walking such as climbing stairs, supervising or guiding the patient or client if the patient or client is able to propel a wheelchair, pushing of the wheelchair, and providing constant or standby physical assistance to the patient or client if totally unable to walk alone or with a mechanical device.

(b) "Bathing" which means assisting the patient or client to wash. Bathing includes supervising or guiding the patient or client to bathe, assisting the patient or client with difficult tasks such as getting in or out of the tub or washing the back, and completely bathing the patient or client if totally unable to wash self.

(c) "Body care" which means skin care including the application of over the counter ointments or lotions. "Body care" excludes foot care for patients or clients who are diabetic or have poor circulation.

(d) "Feeding" which means assistance with eating. Feeding includes supervising or guiding the patient or client when able to feed self, assisting with difficult tasks such as cutting food or buttering bread, and orally feeding the patient or client when unable to feed self.

(e) "Medication assistance level 2" which means assistance with medications as defined in the board of pharmacy rules, chapter 246-888 WAC, and consistent with nursing assistant rules under chapter 18.88A RCW.

(f) "Positioning" which means assisting the patient or client to assume a desired position, and with turning and exercises to prevent complications, such as contractures and pressure sores. Range of motion ordered as part of a physical therapy treatment is not included, unless such activity is authorized in agency policies and procedures and is supervised by a licensed physical therapist in a home health or hospice agency or hospice care center.

(g) "Protective supervision" which means being available to provide safety guidance protection to the patient or client who cannot be left alone due to impaired judgment.

(h) "Toileting" which means helping the patient or client to and from the bathroom, assisting with bedpan routines, using incontinent briefs, cleaning the patient or client after elimination, and assisting the patient or client on and off the toilet.

(i) "Transfer" which means assistance with getting in and out of a bed or wheelchair or on and off the toilet or in and out of the bathtub. Transfer includes supervising or guiding the patient or client when able to transfer, providing steadying, and helping the patient or client when the patient or client assists in own transfer. This does not include transfers when the patient or client is unable to assist in their own transfer or needs assistive devices unless specific training or skills verification has occurred consistent with agency policies and procedures.

(45) "One-time visit" means a single visit by one individual to provide home health, hospice or home care services with no predictable need for continuing visits, not to exceed twenty-four hours.

(46) "On-site" means the location where services are provided.

(47) "Patient" means an individual receiving home health, hospice, or hospice care center services.

(48) "Person" means any individual, business, firm, partnership, corporation, company, association, joint stock association, public or private organization, or the legal successor thereof that employs or contracts with two or more individuals.

(49) "Personnel" means individuals employed and compensated by the licensee.

(50) "Plan of care" means a written document based on assessment of patient or client needs that identifies services to meet these needs.

(51) "Pressure relationships" of air to adjacent areas means:

(a) Positive (P) pressure is present in a room when the:

(i) Room sustains a minimum of 0.001 inches of H2O pressure differential with the adjacent area, the room doors are closed, and air is flowing out of the room; or

(ii) Sum of the air flow at the supply air outlets (in CFM) exceeds the sum of the air flow at the exhaust/return air outlets by at least 70 CFM with the room doors and windows closed;

(b) Negative (N) pressure is present in a room when the:

(i) Room sustains a minimum of 0.001 inches of H2O pressure differential with the adjacent area, the room doors are closed, and air is flowing into the room; or

(ii) Sum of the air flow at the exhaust/return air outlets (in CFM) exceeds the sum of the air flow at the supply air outlets by at least 70 CFM with the room doors and windows closed;

(c) Equal (E) pressure is present in a room when the:

(i) Room sustains a pressure differential range of plus or minus 0.0002 inches of H2O with the adjacent area, and the room doors are closed; or

(ii) Sum of the air flow at the supply air outlets (in CFM) is within ten percent of the sum of the air flow at the exhaust/return air outlets with the room doors and windows closed.

(52) "Professional medical equipment assessment services" means periodic care provided by a licensed nurse, ther-

apist or dietician, within their scope of practice, for patients who are medically stable, for the purpose of assessing the patient's medical response to prescribed professional medical equipment, including, but not limited to, measurement of vital signs, oximetry testing, and assessment of breath sounds and lung function (spirometry).

(53) "Quality improvement" means reviewing and evaluating appropriateness and effectiveness of services provided under this chapter.

(54) "Registered nurse" or "RN" means an individual licensed under chapter 18.79 RCW.

(55) "Service area" means the geographic area in which the department has given approval to a licensee to provide in-home services based on criteria in WAC 246-335-055 (1)(a)(vi). Service areas do not apply to hospice care centers.

(56) "Sink" means one of the following:

(a) "Clinic service sink (siphon jet)" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inch diameter.

(b) "Service sink" means a plumbing fixture of adequate size and proper design for filling and emptying mop buckets.

(c) "Hand wash sink" means a plumbing fixture of adequate size and proper design to minimize splash and splatter and permit hand washing without touching fixtures with hands, with adjacent soap dispenser with foot control or equivalent and single service hand drying device.

(57) "Social worker" means an individual regulated under chapter 18.19 or 18.225 RCW.

(58) "Spiritual counseling" means services provided or coordinated by an individual with knowledge of theology, pastoral counseling or an allied field.

(59) "Statement of deficiencies" means a written notice of any violation of chapter 70.127 RCW or the rules adopted thereunder which describes the reasons for noncompliance.

(60) "Statement of charges" means a document which initiates enforcement action against a licensee or applicant and which creates the right to an adjudicative proceeding. The department shall prepare a statement of charges in accordance with WAC 246-10-201.

(61) "Supervisor of direct care services" means an individual responsible for services that support the plan of care provided by an in-home services agency licensed to provide home care services.

(62) "Survey" means an inspection or investigation, announced or unannounced, conducted by the department to evaluate and monitor a licensee's compliance with this chapter.

(63) "Therapist" means an individual who is:

(a) A physical therapist, licensed under chapter 18.74 RCW;

(b) A respiratory therapist, licensed under chapter 18.89 RCW;

(c) An occupational therapist, licensed under chapter 18.59 RCW; or

(d) A speech therapist licensed under chapter 18.35 RCW.

(64) "Therapy assistant" means a licensed occupational therapy assistant defined under chapter 18.59 RCW or physical therapist assistant defined under chapter 18.74 RCW.

(65) "Volunteer" means an individual who provides direct care to a patient or client and who:

(a) Is not compensated by the in-home services licensee; and

(b) May be reimbursed for personal mileage incurred to deliver services.

(66) "WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW.

[Statutory Authority: Chapter 70.127 RCW. 04-01-197, § 246-335-015, filed 12/24/03, effective 1/24/04; 02-18-026, § 246-335-015, filed 8/23/02, effective 10/1/02.]

WAC 246-335-060 Delivery of services. The applicant or licensee must establish and implement policies and procedures that describe:

(1) Admission, transfer, discharge and referral processes;

(2) Specific services, including nonmedical tasks, available to meet patient or client, or family needs as identified in plans of care;

(3) Agency personnel, contractor, and volunteer roles and responsibilities related to medication assistance level 1 and level 2;

(4) Coordination of care, including:

(a) Coordination among services being provided by the in-home services agency; and

(b) Coordination with other agencies when care being provided impacts patient or client health;

(5) Actions to address patient or client, or family communication needs;

(6) Infection control practices for direct care personnel, contractors, and volunteers consistent with local health authorities;

(7) Actions to take when personnel, volunteers, contractors, or patients or clients exhibit or report symptoms of a communicable disease in an infectious stage in accordance with chapter 246-100 WAC, Communicable and certain other diseases and chapter 246-101 WAC, Notifiable conditions;

(8) Management of patient or client medications and treatments in accordance with appropriate practice acts;

(9) Food storage, preparation and handling;

(10) Reporting of patient/client abuse and neglect according to chapter 74.34 RCW;

(11) Emergency care of patient or client;

(12) Actions to be taken upon death of a patient or client;

(13) Implementation of advanced directives in accordance with the Natural Death Act; and

(14) Plans for service delivery when natural or man-made emergencies occur that prevent normal agency operation.

(15) Nurse delegation as defined in RCW 18.79.260 (3)(e) and rules adopted thereunder, if applicable.

[Statutory Authority: Chapter 70.127 RCW. 04-01-197, § 246-335-060, filed 12/24/03, effective 1/24/04; 02-18-026, § 246-335-060, filed 8/23/02, effective 10/1/02.]

WAC 246-335-990 Fees. (1) A licensee or applicant shall submit to the department:

(a) An initial twelve-month license fee of one thousand five hundred forty-eight dollars for each service category for

new persons not currently licensed in that category to provide in-home services in Washington state, or currently licensed businesses which have had statement of charges filed against them;

(b) A twenty-four month renewal fee based on the number of full-time equivalents (FTEs), which is a measurement based on a forty-hour week and is applicable to paid agency personnel or contractors, or the number of beds, as follows:

(c) For single service category licenses:

# of FTEs	Home Health	Hospice	Home Care	# of Beds	Hospice Care Center
5 or less	$1,548.00	$774.00	$464.40	5 or less	$516.00
6 to 15	$2,177.50	$815.30	$841.10	6 to 10	$1,032.00
16 to 50	$2,476.80	$1,212.60	$903.00	11 to 15	$1,548.00
51 to 100	$3,121.80	$1,942.50	$1,057.80	16 to 20	$2,064.00
101 or more	$3,214.70	$2,043.40	$1,135.20		

(d) For multiple service category licenses:

(i) One hundred percent of the home health category fee and seventy-five percent of the appropriate service category fee for each additional service category (hospice, home care, hospice care center); or

(ii) One hundred percent of the hospice category fee and seventy-five percent of the appropriate service category fee for each additional service category (home care, hospice care center); and

(e) A change of ownership fee of one hundred fifty-four dollars and eighty cents for each licensed service category. A new license will be issued and valid for the remainder of the current license period.

(2) The department may charge and collect from a licensee a fee of seven hundred seventy-four dollars for:

(a) A second on-site visit resulting from failure of the licensee to adequately respond to a statement of deficiencies:

(b) A complete on-site survey resulting from a substantiated complaint; or

(c) A follow-up compliance survey.

(3) A licensee with deemed status shall pay fees according to this section.

(4) A licensee shall submit an additional late fee in the amount of twenty-five dollars and eighty cents per day, not to exceed five hundred dollars, from the renewal date (which is thirty days before the current license expiration date) until the date of mailing the fee, as evidenced by the postmark.

[Statutory Authority: RCW 43.70.250 and 70.38.105(5). 03-22-020, § 246-335-990, filed 10/27/03, effective 11/27/03. Statutory Authority: Chapter 70.127 RCW. 02-18-026, § 246-335-990, filed 8/23/02, effective 10/1/02.]

Chapter 246-380 WAC

STATE INSTITUTIONAL SURVEY PROGRAM

WAC

246-380-990 Fees.

WAC 246-380-990 Fees. An annual health and sanitation survey fee for community colleges, ferries, and other state of Washington institutions and facilities shall be assessed as follows:

	Annual Fee Per Facility
(1) Food Service	
(a) As defined in WAC 246-215-009(12) food service establishments or concessions in community colleges, ferries, or any other state of Washington facility preparing potentially hazardous foods. This shall include dockside food establishments directly providing food for the Washington state ferry system.	$ 567.60
(b) Food service establishments or concessions that do not prepare potentially hazardous foods.	$ 284.80
(c) The health and sanitation survey fee referenced in subsection (a) and (b) of this section may be waived provided there is an agreement between the department of health and the local jurisdictional health agency for the local health agency to conduct the food service establishments surveys.	
(2) State institutions or facilities.	
(a) Institutions or facilities operating a food service: The annual fee shall be nine dollars times the population count plus five hundred sixty-seven dollars and sixty cents. The population count shall mean the average daily population for the past twelve months (January through December).	
(b) Institutions or facilities that do not operate a food service: The annual fee shall be nine dollars times the population count.	
(c) The population count for a new institution shall mean the average projected daily population for the first twelve months of operation.	

[Statutory Authority: RCW 43.70.250 and 70.38.105(5). 03-22-020, § 246-380-990, filed 10/27/03, effective 11/27/03. Statutory Authority: RCW 43.70.250 and 2002 c 371. 02-20-040, § 246-380-990, filed 9/24/02, effective 11/1/02. Statutory Authority: RCW 43.20B.020. 91-21-075 (Order 204), § 246-380-990, filed 10/18/91, effective 11/18/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-380-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20A.055. 87-14-066 (Order 2493), § 440-44-076, filed 7/1/87; 85-13-007 (Order 2238), § 440-44-076, filed 6/7/85.]

Chapter 246-455 WAC

HOSPITAL PATIENT DISCHARGE INFORMATION REPORTING

WAC

246-455-001 Purpose.
246-455-010 Definitions.
246-455-020 Reporting of UB-92 data set information.
246-455-030 Reporting of E-Codes.
246-455-040 Acceptable media for submission of data.
246-455-080 Confidentiality of data.
246-455-100 Penalties for violation.

WAC 246-455-001 Purpose. This chapter is adopted by the Washington state department of health pursuant to RCW 43.70.040 relating to the collection and maintenance of patient discharge data, including data necessary for identification of discharges by diagnosis-related groups.

[Statutory Authority: RCW 43.70.040 and [43.]70.170. 03-13-029, § 246-455-001, filed 6/10/03, effective 7/11/03. Statutory Authority: RCW 43.70.040 and chapter 70.170 RCW. 94-12-090, § 246-455-001, filed 6/1/94, effective 7/2/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-455-001, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.39 RCW. 84-20-067 (Order 84-06, Resolution No. 84-06), § 261-50-010, filed 10/1/84.]

WAC 246-455-010 Definitions. As used in this chapter, unless the context requires otherwise,

(1) "Department" means department of health.

(2) "Diagnosis-related groups" is a classification system that groups hospital patients according to principal and secondary diagnosis, presence or absence of a surgical procedure, age, presence or absence of significant comorbidities or complications, and other relevant criteria.

(3) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW.

(4) Uniform Billing "UB-92/UB-02 data set" means the data element specifications developed by the National Uniform Billing Committee which can be found at www.NUBC.org.

(5) "Patient discharge" means the termination of an inpatient admission or stay, including an admission as a result of a birth, in a Washington hospital.

(6) "HMO" means a health maintenance organization.

(7) "SNF" means a skilled nursing facility.

(8) "HCF" means a health care facility.

(9) "HHA" means a home health agency.

(10) "IV" means intravenous.

(11) "UPIN" means unique physician identification number.

(12) "CHARS" means comprehensive hospital abstract reporting system.

[Statutory Authority: RCW 43.70.040 and [43.]70.170. 03-13-029, § 246-455-010, filed 6/10/03, effective 7/11/03. Statutory Authority: RCW 43.70.040 and chapter 70.170 RCW. 94-12-090, § 246-455-010, filed 6/1/94, effective 7/2/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-455-010, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 70.39.180. 85-17-020 (Order 85-05, Resolution No. 85-05), § 261-50-020, filed 8/13/85. Statutory Authority: Chapter 70.39 RCW. 84-20-067 (Order 84-06, Resolution No. 84-06), § 261-50-020, filed 10/1/84.]

WAC 246-455-020 Reporting of UB-92 data set information. (1) Effective with all hospital patient discharges on or after April 1, 1994, hospitals shall collect and report the following UB-92 or UB-02 data set elements to the department:

(a) Patient control number

Patient's unique alpha-numeric number assigned by the hospital to facilitate retrieval of individual patient records. This number should be constructed to allow prompt hospital access to the patient's discharge record for data verification.

(b) Type of bill

This three-digit code requires 1 digit each, in the following sequence form: Type of facility, bill classification, frequency.

Digit #1 must be "1" to indicate a hospital.
Digit #2 must be a "1," a "2" or an "8" to indicate an inpatient.
Digit #3 must be a "1" to indicate admit through discharge claim.

(c) Medicare provider number

This is the number assigned to the provider by Medicare.

(d) Patient identifier

The patient identifier shall be composed of the first two letters of the patient's last name, the first two letters of the patient's first name, or one or two initials if no first name is available, or when the last name is a single letter add three letters of first name, and the patient's birthdate.

(e) ZIP code

Patient's five or nine digit ZIP code. In the case of a foreign country, enter the first nine characters of the name.

(f) Birthdate

The patient's date of birth in MMDDYYYY format.

(g) Sex

Patient's sex in M/F format.

(h) Admission date

Admission date in MMDDYY format.

(i) Type of admission

This field is filled with one of the following codes:

1 Emergency
2 Urgent
3 Elective
4 Newborn

(j) Source of admission

This field is completed with one of the following codes:

1 Physician referral
2 Clinic referral
3 HMO referral
4 Transfer from another hospital
5 Transfer from a SNF
6 Transfer from another HCF
7 Emergency room
8 Court/law enforcement
9 Other

When type of admission is a "4 newborn," enter one of the following for source of admission:

1 Normal delivery
2 Premature delivery
3 Sick baby
4 Extramural birth
5 Multiple birth

(k) Patient status

Patient discharge disposition in one of the following codes:

01 Discharged home or self care
02 Discharged to another short-term general hospital
03 Discharged to SNF
04 Discharged to an ICF
05 Discharged to another type institution
06 Discharged to home under care of HHA
07 Left against medical advice
08 Discharged/transferred to home under care of home IV provider
20 Expired

(l) Statement covers period

This is the beginning and ending dates for which the UB-92 covers.

(m) Revenue code

The Medicare required revenue code (as defined in the *UB-92 Procedure Manual*), which identifies a specific accommodation, ancillary service or billing calculation.

(n) Units of service

The Medicare required units of service (as defined in the *UB-92 Procedure Manual*) which provide a quantitative measure of services rendered by revenue category to or for the patient. Where no units of service are required by Medicare, the units of service may be those used by the hospital.

(o) Total charges by revenue code category

Total charges pertaining to the related revenue code.

(p) Payer identification #1

Enter the three-digit code that identifies the primary payer. The required code options include:

001 for Medicare
002 for Medicaid
004 for health maintenance organizations
006 for commercial insurance
008 for workers' compensation which includes state fund, self-insured employers, and labor and industries crime victims claims
009 for self pay
610 for health care service contractors, e.g., Blue Cross, county medical bureaus, Washington Physicians Service
625 for other sponsored patients, e.g., CHAMPUS, Indian health
630 charity care, as defined in chapter 70.170 RCW

(q) Payer identification #2

Same requirements as in payer identification #1. This field should only be completed when a secondary payer has been identified.

(r) Principal diagnosis code

ICD-9-CM code describing the principal diagnosis (the condition established after study to be chiefly responsible for causing the admission of the patient for care).

(s) Other diagnoses codes

ICD-9-CM codes identifying up to eight additional conditions that coexist at the time of admission, or develop subsequently, and which have an effect on the treatment received or the length of stay).

(t) Principal procedure code

The ICD-9-CM code that identifies the principal procedure performed during the patient admission.

(u) Other procedure codes

ICD-9-CM codes identifying up to five significant procedures other than the principal procedure performed during the admission.

(v) Attending physician identification

The UPIN number of the licensed physician who would normally be expected to certify and recertify the medical necessity of the services rendered and/or who has primary responsibility for the patient's medical care and treatment. For physicians who do not have a UPIN number, the state Medicaid number or the state license number should be used.

(w) Other physician identification

The UPIN number of the licensed physician who performed the principal procedure. For physicians who do not have a UPIN number, the state Medicaid number or the state license number should be used. If no principal procedure was performed, this field should be left blank.

(2) The hospital shall report all inpatients discharge data described in WAC 246-455-020. Each patient discharge must carry a separate, unique patient control number on a separate UB-92 record. For example, a mother and her newborn require separate UB-92s, each with a separate, unique patient control number.

[Statutory Authority: RCW 43.70.040 and [43.]70.170. 03-13-029, § 246-455-020, filed 6/10/03, effective 7/11/03. Statutory Authority: RCW 43.70.040 and chapter 70.170 RCW. 94-12-090, § 246-455-020, filed 6/1/94, effective 7/2/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-455-020, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.39 RCW. 87-08-037 (Order 87-02, Resolution No. 87-02), § 261-50-030, filed 3/30/87; 87-04-008 (Order 87-01, Resolution No. 87-01), § 261-50-030, filed 1/23/87. Statutory Authority: RCW 70.39.180. 86-14-081 (Order 86-03, Resolution No. 86-03), § 261-50-030, filed 7/1/86; 85-17-020 (Order 85-05, Resolution No. 85-05), § 261-50-030, filed 8/13/85. Statutory Authority: Chapter 70.39 RCW. 84-20-067 (Order 84-06, Resolution No. 84-06), § 261-50-030, filed 10/1/84.]

WAC 246-455-030 Reporting of E-Codes. Effective with hospital patient discharges occurring on or after January 1, 1989, hospitals shall collect and report one ICD-9-CM codes identifying the external cause of injury and poisoning (E-Codes), when applicable.

[Statutory Authority: RCW 43.70.040 and [43.]70.170. 03-13-029, § 246-455-030, filed 6/10/03, effective 7/11/03. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-455-030, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.39 RCW. 88-16-043 (Order 88-05, Resolution No. 88-05), § 261-50-035, filed 7/29/88.]

WAC 246-455-040 Acceptable media for submission of data. Hospitals shall submit data in the form prescribed by the department in the *CHARS Procedure Manual.* A copy of the *CHARS Procedure Manual* may be obtained by contacting the department or on the department's website.

[Statutory Authority: RCW 43.70.040 and [43.]70.170. 03-13-029, § 246-455-040, filed 6/10/03, effective 7/11/03. Statutory Authority: RCW 43.70.040 and chapter 70.170 RCW. 94-12-090, § 246-455-040, filed 6/1/94, effective 7/2/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-455-040, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.39 RCW. 88-16-043 (Order 88-05, Resolution No. 88-05), § 261-50-040, filed 7/29/88; 87-04-008 (Order 87-01, Resolution No. 87-01), § 261-50-040, filed 1/23/87. Statutory Authority: RCW 70.39.180. 86-14-081 (Order 86-03, Resolution No. 86-03), § 261-50-040, filed 7/1/86; 85-17-020 (Order 85-05, Resolution No. 85-05), § 261-50-040,

filed 8/13/85. Statutory Authority: Chapter 70.39 RCW. 84-20-067 (Order 84-06, Resolution No. 84-06), § 261-50-040, filed 10/1/84.]

WAC 246-455-080 Confidentiality of data. The department and any of its contractors or agents shall maintain the confidentiality of any information which may in any manner identify individual patients per RCW 70.170.090 and federal Health Insurance Portability and Accountability Act standards.

The following confidential data elements are not public data: Patient control number, patient identifier, patient birthdate, admission date, discharge day, and nine-digit ZIP code. The following data elements are public data: Patient's age at admission, discharge month and year, length of stay, and a five-digit ZIP code.

Records containing confidential data elements may be disclosed for research purposes after approval from the Washington state institutional review board in accordance with RCW 42.48.020.

[Statutory Authority: RCW 43.70.040 and [43.]70.170. 03-13-029, § 246-455-080, filed 6/10/03, effective 7/11/03. Statutory Authority: RCW 43.70.040 and chapter 70.170 RCW. 94-12-090, § 246-455-080, filed 6/1/94, effective 7/2/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-455-080, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.39 RCW. 84-20-067 (Order 84-06, Resolution No. 84-06), § 261-50-070, filed 10/1/84.]

WAC 246-455-100 Penalties for violation. RCW 70.170.070 describes the penalty for violation of any valid orders, rules, regulations, and reporting requirements. The department may grant extensions of time to file the information. If such an extension is granted, failure to file the information shall not be considered a violation until the extension period has expired.

[Statutory Authority: RCW 43.70.040 and [43.]70.170. 03-13-029, § 246-455-100, filed 6/10/03, effective 7/11/03. Statutory Authority: RCW 43.70.040 and chapter 70.170 RCW. 94-12-090, § 246-455-100, filed 6/1/94, effective 7/2/94. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-455-100, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.39 RCW. 88-16-043 (Order 88-05, Resolution No. 88-05), § 261-50-090, filed 7/29/88; 87-08-037 (Order 87-02, Resolution No. 87-02), § 261-50-090, filed 3/30/87; 87-04-008 (Order 87-01, Resolution No. 87-01), § 261-50-090, filed 1/23/87. Statutory Authority: RCW 70.39.180. 86-14-081 (Order 86-03, Resolution No. 86-03), § 261-50-090, filed 7/1/86; 85-17-020 (Order 85-05, Resolution No. 85-05), § 261-50-090, filed 8/13/85.]

Chapter 246-562 WAC
PHYSICIAN VISA WAIVERS

WAC

246-562-010	Definitions.
246-562-020	Authority to sponsor visa waivers.
246-562-050	Review criteria.
246-562-060	Criteria for applicants.
246-562-080	Criteria for the physician.
246-562-110	Waiver requests federal waiver programs.
246-562-120	Department review and action.
246-562-130	Eligibility for future participation in the visa waiver program.
246-562-140	Department's responsibility to report to the U.S. Department of State and the United States Bureau of Citizenship and Immigration Services.
246-562-160	Implementation.

WAC 246-562-010 Definitions. The following definitions shall apply in the interpretation and implementation of these rules.

(1) "Applicant" means a health care facility that seeks to employ a physician and is requesting state sponsorship or concurrence of a visa waiver.

(2) "Department" means the department of health.

(3) "Board eligible" means having satisfied the requirements necessary to sit for board examinations.

(4) "Employment contract" means a legally binding agreement between the applicant and the physician named in the visa waiver application which contains all terms and conditions of employment, including, but not limited to, the salary, benefits, length of employment and any other consideration owing under the agreement.

(5) "Health care facility" means an entity with an active Washington state business license doing business or proposing to do business in the practice location where the physician would be employed, whose stated purposes include the delivery of medical care.

(6) "Health professional shortage area" (HPSA) means an area federally designated as having a shortage of primary care physicians or mental health care.

(7) "Low income" means that a family's total household income is less than two hundred percent of the federal poverty level as defined by the *U.S. Federal Poverty Guidelines* published annually.

(8) "Medically underserved area" (MUA) means a federally designated area based on whether the area exceeds a score for an Index of Medical Underservice, a value based on infant mortality, poverty rates, percentage of elderly and primary care physicians to population ratios.

(9) "Physician" means the foreign physician, named in the visa waiver application, who requires a waiver to remain in the United States to practice medicine.

(10) "Sliding fee discount schedule" means a written delineation documenting the value of charge discounts granted to patients based upon financial hardship.

(11) "Sponsorship" means a request by the department on behalf of a health care facility to federal immigration authorities to grant a visa waiver for the purpose of recruiting and retaining physicians.

(12) "Visa waiver" means a federal action that waives the requirement for a foreign physician, in the United States on a J-1 visa, to return to his/her home country for a two-year period following medical residency training.

(13) "Vacancy" means a full-time physician practice opportunity that is based on a planned retirement, a loss of an existing physician, or an expansion of physician services in the service area.

[Statutory Authority: Chapter 70.185 RCW. 03-19-054, § 246-562-010, filed 9/11/03, effective 10/12/03; 00-15-082, § 246-562-010, filed 7/19/00, effective 8/19/00; 98-20-067, § 246-562-010, filed 10/2/98, effective 11/2/98.]

WAC 246-562-020 Authority to sponsor visa waivers. (1) The department of health may assist communities to recruit and retain physicians, or other health care professionals, as directed in chapter 70.185 RCW, by exercising an option provided in federal law, 8 U.S.C. Sec. 1184(l) as amended by Public Law 107-273 and 22 C.F.R. 514.44(e).

This option allows the department of health to sponsor a limited number of visa waivers each federal fiscal year if certain conditions are met.

(2) The department may acknowledge sponsorship proposed by federal agencies, including the United States Department of Health and Human Services.

(3) The department may carry out a visa waiver program, or, in the event of resource limitations or other considerations, may discontinue the program. Purposes of the program are:

(a) To increase the availability of physician services in existing federally designated shortage areas for health care facilities that have long standing vacancies;

(b) To improve access to physician services for communities and specific under-served populations that are having difficulty finding physician services;

(c) To serve Washington communities which have identified a physician currently holding a J-1 visa as an ideal candidate to meet the community's need for primary health care services or specialist services as allowed by WAC 246-562-080.

(4) The department may only sponsor a visa waiver request when:

(a) The application contains all of the required information and documentation;

(b) The application meets the criteria contained in chapter 246-562 WAC.

(5) The department will limit its activities:

(a) Prior to submission of an application, the department may provide information on preparing a complete application;

(b) For applicants that have benefited from department sponsorship previously, the applicant's history of compliance will be a consideration in future sponsorship decisions;

(c) Because the number of sponsorships the department may provide is limited, and because the number of shortage areas is great, sponsorship will be limited. In any single program year, a health care facility in any one designated health professional shortage area or medically underserved area:

(i) Will not be allotted more than two sponsorships; and

(ii) Will not be allotted more than one specialist sponsorship as allowed by WAC 246-562-080(4);

(d) In any given program year seventy-five percent of federally allocated sponsorships will be allotted for primary care physicians and twenty-five percent of federally allocated sponsorships will be allotted for specialists through May 31. Any waiver sponsorships that remain unfilled on June 1 of each program year will be available to both primary care and specialist physicians consistent with the provisions of this chapter.

[Statutory Authority: Chapter 70.185 RCW. 03-19-054, § 246-562-020, filed 9/11/03, effective 10/12/03; 00-15-082, § 246-562-020, filed 7/19/00, effective 8/19/00; 98-20-067, § 246-562-020, filed 10/2/98, effective 11/2/98.]

WAC 246-562-050 Review criteria. Applicants and physicians must meet the criteria established in 8 U.S.C. 1184(l) as amended by Public Law 107-273 and 22 C.F.R. Sec. 514.44(e) which are incorporated by reference. Copies of these provisions may be requested from the department by writing to the Washington State Department of Health, Office of Community and Rural Health, Visa Waiver Program, PO Box 47834, Olympia, WA 98504-7834.

The criteria set out in chapter 246-562 WAC must also be met.

[Statutory Authority: Chapter 70.185 RCW. 03-19-054, § 246-562-050, filed 9/11/03, effective 10/12/03; 98-20-067, § 246-562-050, filed 10/2/98, effective 11/2/98.]

WAC 246-562-060 Criteria for applicants. (1) Applicants must be existing health care facilities that:

(a) Are licensed to do business in Washington state; and

(b) Have provided medical care in Washington state for a minimum of twelve months prior to submitting the application.

(2) Applicants may be for-profit, nonprofit, or government organizations.

(3) Except for state institutional and correctional facilities designated as federal shortage areas, the applicant must:

(a) Currently serve:

(i) Medicare clients;

(ii) Medicaid clients;

(iii) Low-income clients, such as subsidized basic health plan enrollees;

(iv) Uninsured clients; and

(v) The population of the federal designation.

(b) Demonstrate that during the twelve months prior to submitting the application, the health care facility was providing a minimum of ten percent of the applicant's total patient visits to Medicaid clients, and/or other low-income clients.

(c) Agree to implement a sliding fee discount schedule for the physician named in the J-1 visa waiver application. The schedule must be:

(i) Available in the client's principal language and English; and

(ii) Posted conspicuously; and

(iii) Distributed in hard copy to individuals making or keeping appointments with that physician.

(4) Applicants must have been actively recruiting to fill the practice vacancy from among qualified physicians who are graduates of United States medical schools. Active recruitment, specific to the location and physician specialty, must be for a period of not less than six months in the twelve months prior to submitting a visa waiver application to the department. Active recruitment can be demonstrated by one or more of the following methods:

(a) Listings in national publications;

(b) Web-based advertisements;

(c) Statewide newspaper advertisements;

(d) Contractual agreement with a recruiter or recruitment firm; or

(e) Listing the position with the office of community and rural health, recruitment and retention program.

In-house job postings and word-of-mouth recruitment are not considered active recruitment for the purpose of the J-1 physician visa waiver program; however, they can be used in addition to the methods described in (a) through (e) of this subsection.

(5) Applicants must have a signed employment contract with the physician. Throughout the period of obligation,

regardless of physician's visa status, the employment contract must:

(a) Meet state and federal requirements;

(b) Not prevent the physician from providing medical services in the designated shortage area after the term of employment (i.e., no noncompete clauses);

(c) Specify the period of employment:

(i) Three years minimum for primary care sponsorship; or

(ii) Five years minimum for specialist sponsorship.

(6) Any amendments made to the required elements of the employment contract, subsection (5) of this section, during the first three years for primary care physicians or five years for specialist and subspecialist physicians of contracted employment must be reported to the department for review and approval. The department will complete review and approval of such amendments within thirty calendar days of receipt.

(7) Applicants must pay the physician prevailing wage as determined and approved by U.S. Department of Labor. Approval must be documented on a U.S. Department of Labor form ETA 9035 signed by an authorized official.

(8) If the applicant has previously requested sponsorship of a physician, WAC 246-562-020 will apply.

(9) If the applicant is not a publicly funded provider, additional criteria apply. The applicant must provide documentation of notification of intent to submit application for J-1 visa physician waiver to all publicly funded providers in HPSA or MUA designated area. Publicly funded providers include, but are not limited to, public hospital districts, local health departments, or community and/or migrant health centers.

Notification must:

(a) Be sent at least thirty days prior to submitting the application to the department;

(b) Include a statement giving the publicly funded providers thirty days to provide comment to the department regarding the J-1 physician visa application; and

(c) Provide the department's address.

(10) Applicants must provide written notice to the department and all publicly funded providers in the health care facility's HPSA or MUA designated area **within thirty days** of the physician's start-date of employment.

The notice must include:

(a) The physician's name, employment start-date and practice location;

(b) Services to be provided; and

(c) Identification of accepted patients, such as Medicaid, Medicare, or basic health plan.

(11) Applicants must submit status reports to the department every six months, with required supporting documentation, during the initial term of employment, three years for primary care physicians or five years for specialists.

(12) Applicants must cooperate in providing the department with clarifying information, verifying information already provided, or in any investigation of the applicant's financial status.

[Statutory Authority: Chapter 70.185 RCW. 03-19-054, § 246-562-060, filed 9/11/03, effective 10/12/03; 00-15-082, § 246-562-060, filed 7/19/00, effective 8/19/00; 98-20-067, § 246-562-060, filed 10/2/98, effective 11/2/98.]

WAC 246-562-080 Criteria for the physician. (1) The physician must not have a J-1 visa waiver pending for any other employment offer.

(2) Physicians must have the qualifications described in recruitment efforts for a specific vacancy.

(3) Physicians are considered eligible to apply for a waiver when:

(a) They have successfully completed their residency or fellowship program; or

(b) They are in the last six months of a residency or fellowship program, and the physician provides a letter from their program that:

(i) Identifies the date the physician will complete the residency or fellowship program; and

(ii) Confirms the physician is in good standing with the program.

(4) Physicians applying as primary care physicians must:

(a) Provide direct patient care; and

(b) Be trained in:

(i) Family practice; or

(ii) General internal medicine; or

(iii) Pediatrics; or

(iv) Geriatric medicine; or

(v) Obstetrics and gynecology; or

(vi) Psychiatry and its subspecialties; and

(c) Except for geriatric medicine and psychiatrists, not have any additional specialty training. Continuing medical education (CME) will not be considered specialty training for the purposes of this rule.

(5) Physicians applying as specialists must:

(a) Provide direct patient care;

(b) Be trained in a subspecialty as defined by the Accreditation Council for Graduate Medical Education and published in the 1999-2000 **Graduate Medical Education Directory,** which is hereby incorporated by reference of:

(i) Internal medicine, except for geriatric medicine; or

(ii) Family practice, except for geriatric medicine; or a specialty as defined by the Accreditation Council for Graduate Medical Education and published in the 1999-2000 **Graduate Medical Education Directory,** which is hereby incorporated by reference of

(iii) General surgery;

(iv) Radiology-diagnostic;

(v) Anesthesiology;

(vi) Otolaryngology (ENT); or

(vii) Urology.

(6) Copies of the 1999-2000 **Graduate Medical Education Directory** are available from the American Medical Association or can be viewed at the Washington State Department of Health, Office of Community and Rural Health, 310 Israel Road SE, Tumwater WA 98501.

(7) Physicians must have an active Washington state medical license, unless unusual circumstances delay licensing. If the application for a Washington state medical license has been received by the Washington state medical quality assurance commission four or more weeks prior to submission of the visa waiver application, the applicant may substitute a copy of the license application and request an exception.

(8) Physicians must be an active candidate for board certification on or before the start date of employment.

(9) Physicians must have at least one letter of recommendation from their residency program if applying as a primary care physician or from their fellowship program if applying as a specialist that:

(a) Addresses the physician's interpersonal and professional ability to effectively care for diverse and low-income people in the United States; and

(b) Describes an ability to work well with supervisory and subordinate medical staff, and adapt to the culture of United States health care facilities; and

(c) Documents level of specialty training, if any; and

(d) Is prepared on residency program letterhead and is signed by residency program staff or faculty; and

(e) Includes name, title, relationship to physician, address and telephone number of signatory.

(10) The physician must comply with all provisions of the employment contract.

(11) Physician must:

(a) Accept Medicaid assignment; and

(b) Post and implement a sliding fee discount schedule; and

(c) Serve the low-income population; and

(d) Serve the uninsured population; and

(e) Serve the shortage designation population; or

(f) Serve the population of a local, state, or federal governmental institution or corrections facility as an employee of the institution.

[Statutory Authority: Chapter 70.185 RCW. 03-19-054, § 246-562-080, filed 9/11/03, effective 10/12/03; 02-19-084, § 246-562-080, filed 9/16/02, effective 10/17/02; 00-15-082, § 246-562-080, filed 7/19/00, effective 8/19/00; 98-20-067, § 246-562-080, filed 10/2/98, effective 11/2/98.]

WAC 246-562-110 Waiver requests federal waiver programs. In the event an applicant for a federal agency J-1 waiver submits a copy of an application to the department, the department will acknowledge receipt of the copy of the application.

[Statutory Authority: Chapter 70.185 RCW. 03-19-054, § 246-562-110, filed 9/11/03, effective 10/12/03; 00-15-082, § 246-562-110, filed 7/19/00, effective 8/19/00; 98-20-067, § 246-562-110, filed 10/2/98, effective 11/2/98.]

WAC 246-562-120 Department review and action. (1) The department will review applications for completeness in date order received.

(2) Applications must be mailed, sent by commercial carrier, or delivered in person. Applications may not be sent by telefax, or electronically.

(3) The department may limit the time period during which applications may be submitted including cutting off applications after the state has sponsored all applications allowed in a given federal fiscal year.

(4) Should multiple primary care physician applications arrive at the department on the same day, the department will rank those applications according to the following criteria:

(a) Federally designated shortage facilities will rank first.

(b) Those applicants serving shortage areas that require the greatest number of physicians relative to population to remove them from federal shortage status will rank second.

(c) Publicly funded employers, such as public hospital districts, community health centers, local, state, or federal governmental institutions or correctional facilities, who have an obligation to provide care to under-served populations will rank third.

(d) If multiple applications within a designated category arrive on the same day, those applications will be ranked within that category based on random selection.

(e) If a ranked order cannot be determined by using the criteria in (a) through (d) of this subsection, then applications will be ranked based on random selection.

(5) Should multiple specialist applications arrive at the department on the same day, the department will rank these applications according to the following criteria:

(a) Federally designated shortage facilities will rank first.

(b) Publicly funded employers, such as public hospital districts, community health centers, local, state, or federal governmental institutions or correctional facilities, who have an obligation to provide care to underserved populations will rank second.

(c) If multiple applications within a designated category arrive on the same day, those applications will be ranked within that category based on random selection.

(d) If a ranked order cannot be determined by using the criteria in (a) through (c) of this subsection, then applications will be ranked based on random selection.

(6) The department will review applications within ten working days of receipt of the application to determine if the application is complete.

(7) The department will return incomplete applications to the applicant, and provide a written explanation of missing items.

(8) Incomplete applications may be resubmitted with additional required information. Resubmitted applications will be considered new applications and will be reviewed in date order received on resubmission.

(9) The department will return applications that are received after the maximum number of sponsorships have been approved. This does not apply to copies of other federal J-1 applications.

(10) The department will return sponsorship applications to applicants who have had two approved sponsorships in the current year for the shortage area.

(11) If the Washington state medical license is pending at the time the application is submitted to the department, the department may:

(a) Sponsor or concur;

(b) Hold the application in order received; or

(c) Return the application as incomplete.

(12) The department will review complete applications against the criteria specified in this chapter.

(13) The department may:

(a) Request additional clarifying information;

(b) Verify information presented;

(c) Investigate financial status of the applicant;

(d) Further investigate any comments generated by publicly funded provider notification of application for waiver;

(e) Return the application as incomplete if the applicant does not supply requested clarifying information within thirty days of request. Incomplete applications must be resubmit-

ted. Resubmitted applications will be considered new applications and will be reviewed in date order received.

(14) The department will notify the applicant in writing of action taken. If the decision is to decline sponsorship, the department will provide an explanation of how the application failed to meet the stated criterion or criteria.

(15) The department may deny a visa waiver request or, prior to U.S. Department of State approval, may withdraw a visa waiver recommendation for cause, which shall include the following:

(a) The application is not consistent with state and/or federal criteria;

(b) Fraud;

(c) Misrepresentation;

(d) False statements;

(e) Misleading statements; or

(f) Evasion or suppression of material facts in the visa waiver application or in any of its required documentation and supporting materials.

(16) Applications denied may be resubmitted with concerns addressed. Resubmitted applications will be considered new applications and will be reviewed in date order received.

[Statutory Authority: Chapter 70.185 RCW. 03-19-054, § 246-562-120, filed 9/11/03, effective 10/12/03; 00-15-082, § 246-562-120, filed 7/19/00, effective 8/19/00; 98-20-067, § 246-562-120, filed 10/2/98, effective 11/2/98.]

WAC 246-562-130 Eligibility for future participation in the visa waiver program. (1) Health care facilities may be denied future participation in the state visa waiver program if:

(a) The required six-month reports are not submitted in a complete and timely manner.

(b) A sponsored physician does not serve the designated shortage area and/or shortage population for the full three years of employment for primary care physicians or the full five years of employment for specialists.

(c) A sponsored physician does not remain employed by the applicant for the full three years of employment for primary care physicians or the full five years of employment for specialists.

(2) A health care facility may request a determination of eligibility prior to submitting an application. The department will review the situation upon receipt of a written request.

[Statutory Authority: Chapter 70.185 RCW. 03-19-054, § 246-562-130, filed 9/11/03, effective 10/12/03; 98-20-067, § 246-562-130, filed 10/2/98, effective 11/2/98.]

WAC 246-562-140 Department's responsibility to report to the U.S. Department of State and the United States Bureau of Citizenship and Immigration Services. (1) The department may report to the U.S. Department of State and the United States Bureau of Citizenship and Immigration Services if the applicant or physician is determined to be out of compliance with any of the provisions of this chapter.

(2) The department may report to the U.S. Department of State and the United States Bureau of Citizenship and Immigration Services if the physician is determined to have left employment in the federally designated area.

[Statutory Authority: Chapter 70.185 RCW. 03-19-054, § 246-562-140, filed 9/11/03, effective 10/12/03; 00-15-082, § 246-562-140, filed 7/19/00, effective 8/19/00; 98-20-067, § 246-562-140, filed 10/2/98, effective 11/2/98.]

WAC 246-562-160 Implementation. Notwithstanding any other provision of this chapter, this rule governs the allocation of departmental J-1 visa waiver sponsorships of specialists and primary care physicians during the federal fiscal year which begins October 1 of each year.

[Statutory Authority: Chapter 70.185 RCW. 03-19-054, § 246-562-160, filed 9/11/03, effective 10/12/03; 02-19-084, § 246-562-160, filed 9/16/02, effective 10/17/02; 00-15-082, § 246-562-160, filed 7/19/00, effective 8/19/00.]

Chapter 246-650 WAC
NEWBORN SCREENING

WAC

246-650-001 Purpose.
246-650-010 Definitions.
246-650-020 Performance of screening tests.
246-650-030 Implementation of screening to detect biotinidase deficiency, galactosemia, homocystinuria, maple syrup urine disease and medium chain acyl-coA dehydrogenase deficiency.
246-650-040 Report to the board.
246-650-050 Privacy and security of screening specimen/information forms.

WAC 246-650-001 Purpose. The purpose of this chapter is to establish board rules to detect, in newborns, congenital disorders leading to developmental impairment or physical disabilities as required by RCW 70.83.050 and to provide protections for the confidentiality of information and human biological specimens submitted pursuant to these requirements.

[Statutory Authority: Chapters 70.83, 43.20 RCW. 03-24-026, § 246-650-001, filed 11/24/03, effective 12/25/03. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-650-001, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.20.050 and 70.83.050. 87-11-040 (Order 303), § 248-103-001, filed 5/18/87.]

WAC 246-650-010 Definitions. For the purposes of this chapter:

(1) "Board" means the Washington state board of health.

(2) "Biotinidase deficiency" means a deficiency of an enzyme (biotinidase) that facilitates the body's recycling of biotin. The result is biotin deficiency, which if undetected and untreated, may result in severe neurological damage or death.

(3) "Congenital adrenal hyperplasia" means a severe disorder of adrenal steroid metabolism which may result in death of an infant during the neonatal period if undetected and untreated.

(4) "Congenital hypothyroidism" means a disorder of thyroid function during the neonatal period causing impaired mental functioning if undetected and untreated.

(5) "Department" means the Washington state department of health.

(6) "Galactosemia" means a deficiency of enzymes that help the body convert the simple sugar galactose into glucose resulting in a buildup of galactose and galactose-1-PO_4 in the blood. If undetected and untreated, accumulated galactose-1-

PO_4 may cause significant tissue and organ damage often leading to sepsis and death.

(7) "Homocystinuria" means deficiency of enzymes necessary to break down or recycle the amino acid homocysteine resulting in a buildup of methionine and homocysteine. If undetected and untreated may cause thromboembolism, mental and physical disabilities.

(8) "Maple syrup urine disease" (MSUD) means deficiency of enzymes necessary to breakdown the branch chained amino acids leucine, isoleucine, and valine resulting in a buildup of these and metabolic intermediates in the blood. If undetected and untreated may result in mental and physical retardation or death.

(9) "Medium chain acyl-coA dehydrogenase deficiency" (MCADD) means deficiency of an enzyme (medium chain acyl-coA dehydrogenase) necessary to breakdown medium chain length fatty acids. If undetected and untreated, fasting, infection or stress may trigger acute hypoglycemia leading to physical and neurological damage or death.

(10) "Newborn" means an infant born in a hospital in the state of Washington prior to discharge from the hospital of birth or transfer.

(11) "Newborn screening specimen/information form" means the information form provided by the department including the filter paper portion and associated dried blood spots. A specimen/information form containing patient information is "Health care information" as defined by the Uniform Healthcare Information Act, RCW 70.02.010(6).

(12) "Phenylketonuria" (PKU) means a deficiency of an enzyme necessary to convert the amino acid phenylalanine into tyrosine resulting in a buildup of phenylalanine in the blood. If undetected and untreated may cause severely impaired mental functioning.

(13) "Hemoglobinopathy" means a hereditary blood disorder caused by genetic alteration of hemoglobin which results in characteristic clinical and laboratory abnormalities and which leads to developmental impairment or physical disabilities.

(14) "Significant screening test result" means a laboratory test result indicating a suspicion of abnormality and requiring further diagnostic evaluation of the involved infant for the specific disorder.

[Statutory Authority: Chapters 70.83, 43.20 RCW. 03-24-026, § 246-650-010, filed 11/24/03, effective 12/25/03. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-650-010, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapters 43.20 and 70.83 RCW. 91-01-032 (Order 114B), § 248-103-010, filed 12/11/90, effective 1/11/91. Statutory Authority: RCW 43.20.050 and 70.83.050. 87-11-040 (Order 303), § 248-103-010, filed 5/18/87.]

WAC 246-650-020 Performance of screening tests. (1) Hospitals providing birth and delivery services or neonatal care to infants shall:

(a) Inform parents or responsible parties, by providing a departmental information pamphlet or by other means, of:

(i) The purpose of screening newborns for congenital disorders,

(ii) Disorders of concern as listed in WAC 246-650-020(2),

(iii) The requirement for newborn screening, and

(iv) The legal right of parents or responsible parties to refuse testing because of religious tenets or practices as specified in RCW 70.83.020, and

(v) The specimen storage, retention and access requirements specified in WAC 246-650-050.

(b) Obtain a blood specimen for laboratory testing as specified by the department from each newborn prior to discharge from the hospital or, if not yet discharged, no later than five days of age.

(c) Use department-approved newborn screening specimen/information forms and directions for obtaining specimens.

(d) Enter all identifying and related information required on the specimen/information form following directions of the department.

(e) In the event a parent or responsible party refuses to allow newborn screening, obtain signatures from parents or responsible parties on the department specimen/information form.

(f) Forward the specimen/information form with dried blood spots or signed refusal to the Washington state public health laboratory no later than the day after collection or refusal signature.

(2) Upon receipt of specimens, the department shall:

(a) Perform appropriate screening tests for:

(i) Phenylketonuria, congenital hypothyroidism, congenital adrenal hyperplasia, and hemoglobinopathies,

(ii) Biotinidase deficiency, galactosemia, homocystinuria, maple syrup urine disease and medium chain acyl-coA dehydrogenase deficiency according to the schedule in WAC 246-650-030;

(b) Report significant screening test results to the infant's attending physician or family if an attending physician cannot be identified; and

(c) Offer diagnostic and treatment resources of the department to physicians attending infants with presumptive positive screening tests within limits determined by the department.

[Statutory Authority: Chapters 70.83, 43.20 RCW. 03-24-026, § 246-650-020, filed 11/24/03, effective 12/25/03. Statutory Authority: RCW 43.20.050 and 70.83.050. 92-02-019 (Order 225B), § 246-650-020, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-650-020, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapters 43.20 and 70.83 RCW. 91-01-032 (Order 114B), § 248-103-020, filed 12/11/90, effective 1/11/91. Statutory Authority: RCW 43.20.050 and 70.83.050. 87-11-040 (Order 303), § 248-103-020, filed 5/18/87.]

WAC 246-650-030 Implementation of screening to detect biotinidase deficiency, galactosemia, homocystinuria, maple syrup urine disease and medium chain acyl-coA dehydrogenase deficiency. The department shall implement screening tests for biotinidase deficiency, galactosemia, homocystinuria, maple syrup urine disease and medium chain acyl-coA dehydrogenase deficiency beginning in January 2004. Screening for these disorders shall be fully implemented as quickly as feasible and not later than June 2004.

[Statutory Authority: Chapters 70.83, 43.20 RCW. 03-24-026, § 246-650-030, filed 11/24/03, effective 12/25/03. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-650-030, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapters 43.20 and 70.83 RCW. 91-01-032 (Order 114B), § 248-103-040, filed 12/11/90, effective 1/11/91.]

WAC 246-650-040 Report to the board. The department shall report to the board annually the following information concerning tests conducted pursuant to this section:

(1) The costs of tests as charged by the department;

(2) The results of each category of tests, by county of birth and ethnic group, as reported on the newborn screening form and, if available, birth certificates; and

(3) Follow-up procedures and the results of such follow-up procedures.

[Statutory Authority: Chapters 70.83, 43.20 RCW. 03-24-026, § 246-650-040, filed 11/24/03, effective 12/25/03.]

WAC 246-650-050 Privacy and security of screening specimen/information forms. The specimen/information form submitted to the department pursuant to WAC 246-650-020 becomes the property of the state of Washington upon receipt by the Washington state public health laboratory. The department shall protect the privacy of newborns and their families and assure that all specimen/information forms submitted for screening are protected from inappropriate use or access.

(1) Storage: The specimen/information forms shall be kept at ambient temperature in secured storage to preserve their confidentiality and prevent access by unauthorized persons.

(2) Retention/destruction: The specimen/information form shall be retained until the child is twenty-one years old in accordance with the requirements for hospitals specified in RCW 70.41.190. After this time the form will be destroyed.

EXCEPTION FOR PARENTAL REQUEST: Upon request of a parent or guardian (or a patient who is over the age of eighteen years), the department will destroy the specimen/information form only after all required screening tests have been performed and if the patient's screening/clinical status related to these tests is not in question.

(3) Access: Access to stored specimen/information forms shall be restricted to department employees and those contractors or others approved by the department as necessary to meet specific program needs. Access is contingent upon compliance with all applicable federal and state laws, regulations, and policies safeguarding the privacy and confidentiality of medical information. The department shall assure that those granted access understand the confidentiality requirements and have a signed confidentiality agreement on file.

(4) Release: Dried blood spot samples and specimen information may only be released when required by state or federal law or under the following conditions:

(a) A sample from a specimen and copies of associated information (patient information and testing results, if requested) may be released to:

(i) A health care provider at the request of the patient or their legal representative after completing and signing a written request form approved by the department. The release form must be provided to the director of newborn screening before the request will be fulfilled.

(ii) A researcher with the written, informed consent of the patient or their patient's legal representative as part of a research project that has been reviewed and approved by the DOH/DSHS human subjects research review board and the secretary or designee of the department of health.

(iii) A named person in a legally executed subpoena following review and approval of the state attorney general.

(iv) A person to whom release is mandated by order of a court of competent jurisdiction.

(b) Anonymous samples may be released if the department determines that the intended use has significant potential health benefit and that each of the following criteria have been met:

(i) The investigation design is adequate to assure anonymity will be preserved.

(ii) All newborn screening tests have been completed and the status of the infant is resolved.

(iii) At least one fully adequate spot will remain after the anonymous sample has been taken.

(iv) Sufficient resources (personnel) are available for extracting the samples.

(v) The DOH/DSHS human subjects research review board has reviewed and approved the investigation. This requirement may be waived by the department for a very small (i.e., less than 100 sample) pilot study where the intent is to evaluate a testing tool, as opposed to an evaluation where the intent is to measure some characteristic of a population.

(5) Notification: The department shall notify parents of the specimen storage, retention/destruction and access requirements through the department's newborn screening informational pamphlet.

[Statutory Authority: Chapters 70.83, 43.20 RCW. 03-24-026, § 246-650-050, filed 11/24/03, effective 12/25/03.]

Chapter 246-680 WAC

PRENATAL TESTS—CONGENITAL AND HERITABLE DISORDERS

WAC

246-680-001 Purpose.
246-680-010 Definitions.
246-680-020 Board of health standards for screening and diagnostic tests during pregnancy.

WAC 246-680-001 Purpose. The purpose of this chapter is to establish standards for screening and diagnostic procedures for prenatal diagnosis of congenital disorders of the fetus under RCW 48.21.244, 48.44.344, and 48.46.375; and to establish criteria and timelines regarding the availability and use of prenatal tests for health care providers to share with pregnant women and couples as required under RCW 70.54.220.

[Statutory Authority: RCW 43.20.050, 70.54.220. 03-11-031, § 246-680-001, filed 5/15/03, effective 6/15/03. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-680-001, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 48.21.244, 48.44.344 and 48.46.375. 90-02-094 (Order 024), § 248-106-001, filed 1/3/90, effective 2/3/90.]

WAC 246-680-010 Definitions. For the purpose of this chapter, the following definitions apply:

(1) "Department" means the Washington state department of health.

(2) "Health care providers" means persons licensed or certified by the state of Washington under Title 18 RCW to

provide prenatal care or to practice medicine and qualified genetic counselors.

(3) "Prenatal carrier testing" means a procedure to remove blood or other tissue from one or both parents in order to perform laboratory analysis to establish chromosome constitution or genetic carrier status of the parents.

(4) "Prenatal test" means any test to predict congenital or heritable disorders that may harm or endanger the health, safety, or welfare of members of the public if improperly utilized and includes preprocedure and postprocedure genetic counseling, laboratory tests, and procedures as follows:

(a) Maternal serum marker screening is a procedure involving obtaining blood from a pregnant woman during the fifteenth to twenty-second week of gestation, in order to measure through laboratory tests the level of certain analytes that are associated with increased risks to the fetus or pregnancy such as alpha-fetoprotein, unconjugated estriol, human gonadotropin, inhibin, and/or PAPP-A.

(b) Maternal hepatitis B surface antigen (HBsAg) screening is a procedure involving obtaining blood from a pregnant woman during the first trimester of pregnancy to test for maternal hepatitis B infection. HBsAg screening should be repeated during the last trimester of pregnancy if a woman is at high risk for hepatitis B infection.

(c) Group B strep screening per vaginorectal culture at 35-37 weeks gestation is used to screen pregnant women for Group B strep colonization. The swab culture specimen must be grown in selective broth media.

(d) Amniocentesis is a procedure performed after fourteen weeks of gestation to remove a small amount of amniotic fluid from the uterus of a pregnant woman, in order to perform one or more of the following laboratory tests:

(i) Measure the level of alpha-fetoprotein;

(ii) Measure the level of acetylcholinesterase;

(iii) Cytogenetic studies on fetal cells including fluorescent in-situ hybridization (FISH) if indicated;

(iv) Biochemical studies on fetal cells or amniotic fluid;

(v) Deoxyribonucleic Acid (DNA) studies on fetal cells including fetal genotyping for isoimmunization studies; and

(vi) Infectious disease studies.

(e) Chorionic villus sampling is a procedure performed from ten to twelve weeks of gestation to remove a small amount of cells from the developing placenta, in order to perform one or more of the following laboratory tests:

(i) Cytogenetic studies on fetal cells including fluorescent in-situ hybridization (FISH) if indicated;

(ii) Biochemical studies on fetal cells; and

(iii) DNA studies on fetal cells.

(f) Percutaneous umbilical cord blood sampling is a procedure performed typically after fifteen weeks of gestation to obtain blood from the fetus, in order to perform one or more of the following laboratory tests:

(i) Cytogenetic studies including fluorescent in-situ hybridization (FISH) if indicated;

(ii) Viral titer studies;

(iii) Fetal blood typing for isoimmunization studies;

(iv) Prenatal diagnostic tests for hematological disorders;

(v) DNA studies on fetal cells;

(vi) Biochemical studies on fetal blood.

(g) Prenatal ultrasonography is a procedure performed at any time during pregnancy resulting in visualization of the uterus, the placenta, the fetus, and internal structures through use of sound waves.

(h) "Preprocedure genetic counseling" means individual counseling, which may be part of another procedure or service, involving a health care provider or a qualified genetic counselor under the direction of a physician, and a pregnant woman with or without other family members, to assess and identify increased risks for congenital abnormalities or pregnancy complications, offer specific carrier or diagnostic tests, discuss the purposes, risks, accuracy, and limitations of a prenatal testing procedure, aid in decision making and to assist in obtaining the desired testing or procedure.

(i) "Postprocedure genetic counseling" means, when test results are available, individual counseling, which may be part of another procedure or service, involving a health care provider or a qualified genetic counselor under the direction of a physician and a pregnant woman with or without other family members, to discuss the results of the prenatal tests done, any further testing or procedures available and/or referrals for further consultation or counseling.

(j) "Qualified genetic counselor" means an individual eligible for certification or certified as defined by the American Board of Medical Genetics, Inc., or the American Board of Genetic Counseling.

[Statutory Authority: RCW 48.21.244, 48.44.344, 48.46.375, 70.54.220. 03-11-031, § 246-680-010, filed 5/15/03, effective 6/15/03. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-680-010, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 48.21.244, 48.44.344 and 48.46.375. 90-02-094 (Order 024), § 248-106-010, filed 1/3/90, effective 2/3/90.]

WAC 246-680-020 Board of health standards for screening and diagnostic tests during pregnancy. (1) For the purpose of RCW 48.21.244, 48.44.344, and 48.46.375, the following are standards of medical necessity for insurers, health care service contractors, and health maintenance organizations to use when authorizing requests or claims for prenatal screening and/or diagnosis without the requirement of a case-by-case determination and including preprocedure and postprocedure genetic counseling:

(a) Maternal serum marker screening for all pregnant women beginning prenatal care before the twentieth completed week of gestation.

(b) Maternal hepatitis B surface antigen (HBsAg) screening for all pregnant women during the first trimester of pregnancy and the last trimester of pregnancy if the woman is at high risk for hepatitis B infection.

(c) Information about Group B strep should be provided to all pregnant women, including the risk to the newborn, if the woman is identified through screening as potentially colonized with Group B strep. Screening is done through prenatal vaginorectal cultures, although specific clinical indicators may preclude screening. Pregnant women who are currently colonized with Group B strep, or who have unknown Group B strep status should receive intrapartum treatment in accordance with the current standard of practice in order to reduce risk to the newborn.

(d) Prenatal ultrasonography if one or more of the following criteria are met:

(i) A woman undergoing amniocentesis, chorionic villus sampling, or percutaneous umbilical cord blood sampling or fetal tissue biopsy;

(ii) The results of a maternal serum marker screening test indicate an increased risk to the fetus or pregnancy;

(iii) A woman or the biological father of the fetus has a personal or family history of a congenital abnormality detectable by prenatal ultrasound;

(iv) An increased risk of a congenital abnormality is present due to an environmental exposure including maternal exposure to alcohol; or

(v) A medical evaluation indicates the possibility of polyhydramnios or oligohydramnios.

(e) Amniocentesis if one or more of the following criteria are met:

(i) A woman is thirty-five years of age or older at the time of delivery;

(ii) A woman or the biologic father of the fetus has a previous child or fetus with a chromosomal abnormality or other prenatally diagnosable disorder;

(iii) A woman or the biologic father of the fetus has a family history that includes birth defects or developmental delays;

(iv) A woman or the biologic father of the fetus is a carrier of a chromosomal rearrangement;

(v) A woman and/or the biologic father of the fetus are carriers of, or affected with, a prenatally diagnosable inherited disorder;

(vi) The results of a maternal serum marker screening test indicate an increased risk to the pregnancy or fetus;

(vii) A woman has a documented history of three or more miscarriages of unknown cause when circumstances prevent parental chromosomal testing;

(viii) There is an ultrasound diagnosis of fetal anomaly;

(ix) A medical evaluation indicates an increased risk of fetal infection;

(x) Fetal blood studies are indicated for isoimmunization studies or therapy.

(f) Chorionic villus sampling with preprocedure and postprocedure genetic counseling if one or more of the following criteria are met:

(i) A woman is thirty-five years of age or older at the time of delivery;

(ii) A woman or the biologic father of the fetus has a previous child or fetus with a chromosomal abnormality or other prenatally diagnosable inherited disorder;

(iii) A woman or the biologic father of the fetus is a carrier of a chromosomal rearrangement;

(iv) A woman or the biologic father of the fetus is a carrier of, or affected with, a prenatally diagnosable inherited disorder;

(v) A woman has a documented history of three or more miscarriages of unknown cause when circumstances prevent parental chromosomal testing; or

(vi) Fetal genotyping is indicated to determine risks for isoimmunization.

(g) Fluorescent in-situ hybridization (FISH) if a medical evaluation indicates a rapid or specific submicroscopic chromosomal diagnosis is required to predict the prognosis for the fetus.

(2) The board recommends the following additional procedures for use by insurers, health service contractors, and health maintenance organizations in determining medical necessity on a case-by-case basis:

(a) Percutaneous umbilical cord blood sampling with preprocedure and postprocedure genetic counseling if one or more of the following criteria are met:

(i) A medical evaluation indicates rapid or specific submicroscopic chromosomal diagnosis or DNA diagnosis is required to predict prognosis for the fetus;

(ii) A medical evaluation indicates the possibility of a prenatally diagnosable fetal infection;

(iii) Fetal blood studies are medically indicated for isoimmunization studies or therapy;

(iv) Fetal blood is the only means to provide biochemical genetic diagnosis;

(v) Prenatal diagnosis of a hematological disorder is medically indicated.

(b) Prenatal tissue biopsy if the nature of the disorder in question indicates that fetal liver, skin, or other tissue biopsy is the only means to provide biochemical genetic diagnosis to protect the health of the mother or predict the prognosis of the fetus.

[Statutory Authority: RCW 48.21.244, 48.44.344, 48.46.375. 03-11-031, § 246-680-020, filed 5/15/03, effective 6/15/03. Statutory Authority: RCW 43.20.050. 91-02-051 (Order 124B), recodified as § 246-680-020, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 48.21.244, 48.44.344 and 48.46.375. 90-02-094 (Order 024), § 248-106-020, filed 1/3/90, effective 2/3/90.]

Chapter 246-802 WAC
ACUPUNCTURISTS

WAC

246-802-990 Acupuncture fees and renewal cycle.

WAC 246-802-990 Acupuncture fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
License application	$ 50.00
License renewal	90.00
Inactive license renewal	50.00
Late renewal penalty	50.00
Expired license reissuance	50.00
Expired inactive license reissuance	50.00
Duplicate license	15.00
Certification of license	25.00
Acupuncture training program application	500.00

[Statutory Authority: RCW 43.70.250. 03-07-095, § 246-802-990, filed 3/19/03, effective 7/1/03; 99-08-101, § 246-802-990, filed 4/6/99, effective 7/1/99. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-802-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250, chapter 18.06 RCW. 95-01-038, § 246-802-990, filed 12/12/94, effective 1/1/95. Statutory Authority: RCW 43.70.040 and 43.70.250. 92-17-035 (Order 295B), § 246-802-990, filed 8/13/92, effective 9/13/92. Statutory Authority: RCW 43.70.250. 91-13-002 (Order 173), § 246-802-990, filed 6/6/91, effective 7/7/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-802-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.250. 90-18-039 (Order 084), § 308-180-260, filed 8/29/90, effective 9/29/90; 90-04-094 (Order 029), § 308-180-260, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 88-15-030

(Order PM 735), § 308-180-260, filed 7/13/88; 87-18-031 (Order PM 667), § 308-180-260, filed 8/27/87.]

Chapter 246-812 WAC
BOARD OF DENTURE TECHNOLOGY

WAC

246-812-010 Definitions.
246-812-130 Repealed.
246-812-160 Expired license.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-812-130 Denturist licensure—Training course approval. [Statutory Authority: RCW 18.30.070(3). 98-20-068, § 246-812-130, filed 10/2/98, effective 11/2/98; 95-22-062, § 246-812-130, filed 10/30/95, effective 11/30/95.] Repealed by 03-12-061, filed 6/2/03, effective 7/3/03. Statutory Authority: RCW 18.30.065.

WAC 246-812-010 Definitions. The following terms are so defined for the purposes of this chapter:

"Acquired immunodeficiency syndrome" or **"AIDS"** means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

"Approval" and **"accreditation"** are used interchangeably with reference to sanctioning of courses.

"Board" means the Washington state board of denturists, whose address is:

Department of Health
Health Profession Quality Assurance
Washington State Board of Denturists
310 Israel Rd. SE, PO Box 47867
Olympia, WA 98504-7867

"Office on AIDS" means that section within the department of health with jurisdiction over public health matters as defined in chapter 70.24 RCW.

[Statutory Authority: RCW 18.30.065. 03-12-061, § 246-812-010, filed 6/2/03, effective 7/3/03. Statutory Authority: RCW 18.30.070(3). 98-20-068, § 246-812-010, filed 10/2/98, effective 11/2/98; 95-22-062, § 246-812-010, filed 10/30/95, effective 11/30/95.]

WAC 246-812-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-812-160 Expired license. (1) If the license has expired for three years or less, the practitioner must meet the requirements of chapter 246-12 WAC, Part 2.

(2) If the license has expired for more than three years, the practitioner must:

(a) Successfully pass the examination as provided in RCW 18.30.100;

(b) Meet the requirements of chapter 246-12 WAC, Part 2.

[Statutory Authority: RCW 18.30.065. 03-12-061, § 246-812-160, filed 6/2/03, effective 7/3/03. Statutory Authority: RCW 18.30.070(3). 98-20-068, § 246-812-160, filed 10/2/98, effective 11/2/98. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-812-160, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.30.070(3). 95-22-062, § 246-812-160, filed 10/30/95, effective 11/30/95.]

Chapter 246-815 WAC
DENTAL HYGIENISTS

WAC

246-815-990 Dental hygiene fees and renewal cycle.

WAC 246-815-990 Dental hygiene fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application examination and reexamination	$100.00
Renewal	40.00
Late renewal penalty	40.00
Expired license reissuance	40.00
Credentialing application	100.00
Temporary license application	100.00
Duplicate license	15.00
Certification of license	25.00
Education program evaluation	200.00

[Statutory Authority: RCW 43.70.250. 03-07-095, § 246-815-990, filed 3/19/03, effective 7/1/03. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-815-990, filed 2/13/98, effective 3/16/98. Statutory Authority: Chapter 18.29 RCW and RCW 18.20.150(4). 95-16-102, § 246-815-990, filed 8/1/95, effective 9/1/95. Statutory Authority: RCW 43.70.250. 94-02-059, § 246-815-990, filed 1/3/94, effective 3/1/94. Statutory Authority: RCW 43.70.250 and 1993 c 323. 93-16-073, § 246-815-990, filed 8/2/93, effective 9/2/93. Statutory Authority: RCW 43.70.250. 91-13-002 (Order 173), § 246-815-990, filed 6/6/91, effective 7/7/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-815-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-25-065, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-25-065, filed 5/1/87. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-25-065, filed 8/10/83. Formerly WAC 308-25-060.]

Chapter 246-826 WAC
HEALTH CARE ASSISTANTS

WAC

246-826-990 Health care assistant fees and renewal cycle.

WAC 246-826-990 Health care assistant fees and renewal cycle. (1) Certificates must be renewed every two years as provided in WAC 246-826-050 and chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
First certification	$60.00
Renewal	60.00
Expired certificate reissuance	50.00
Recertification	60.00
Late renewal penalty	50.00
Duplicate	15.00

[Statutory Authority: RCW 43.70.250 and 18.135.030. 03-24-071, § 246-826-990, filed 12/1/03, effective 3/1/04. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-826-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250. 91-13-002 (Order 173), § 246-826-990, filed 6/6/91, effective 7/7/91. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-826-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.250. 90-04-094 (Order 029), § 308-175-140, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 18.135.030. 87-23-022 (Order PM 689), § 308-175-140, filed 11/12/87.]

Chapter 246-828 WAC
HEARING AND SPEECH

WAC
246-828-020 Examinations.

WAC 246-828-020 Examinations. (1) The examination required of hearing instrument fitter/dispenser license applicants shall be the International Institute for Hearing Instrument Studies (IIHIS) including a passing score according to standards established by the International Hearing Society.

Applications for examinations shall be received by the department at least sixty days prior to the date of the scheduled examination. If the application is received less than sixty days before the next scheduled examination, the applicant will be scheduled for the second examination following receipt of the application.

(2) The examination required of audiology license applicants shall be the National Examination in Audiology (NESPA), including a passing examination score of six hundred or greater.

(3) The examination required of speech-language pathologist license applicants shall be the National Examination in Speech Language Pathology (NESPA), including a passing examination score of six hundred or greater.

[Statutory Authority: RCW 18.35.161. 03-21-114, § 246-828-020, filed 10/20/03, effective 11/20/03. Statutory Authority: RCW 18.35.040 and 18.35.161. 98-13-110, § 246-828-020, filed 6/17/98, effective 7/18/98. Statutory Authority: RCW 18.35.161. 91-11-031 (Order 165B), recodified as § 246-828-020, filed 5/8/91, effective 6/8/91. Statutory Authority: RCW 18.35.161(4). 89-08-096 (Order PM 828), § 308-50-010, filed 4/5/89. Statutory Authority: RCW 18.35.161(3). 87-14-030 (Order PM 654), § 308-50-010, filed 6/26/87. Statutory Authority: RCW 18.35.161. 84-08-062 (Order PL 463), § 308-50-010, filed 4/4/84; Order PL 190, § 308-50-010, filed 5/23/75; Order PL 159, § 308-50-010, filed 2/8/74.]

Chapter 246-830 WAC
MASSAGE PRACTITIONERS

WAC
246-830-005 Definitions.
246-830-435 Animal massage training.
246-830-990 Massage fees and renewal cycle.

WAC 246-830-005 Definitions. For the purpose of administering chapter 18.108 RCW, the following definitions shall apply:

(1) "Massage" is as defined in RCW 18.108.010.

(2) "Massage school" is an institution which has the sole purpose of offering training in massage therapy.

(3) "Massage program" is training in massage therapy offered by an academic institution which also offers training in other areas of study. A program is an established area of study offered on a continuing basis.

(4) "Apprenticeship program" is defined for the purposes of this chapter as training in massage administered by an apprenticeship trainer that satisfies the educational requirements for massage set forth in WAC 246-830-430, 246-830-440, and 246-830-450. This training shall be offered by an apprenticeship trainer to no more than three apprentices at one time and shall be completed within two years.

(5) "Apprenticeship trainer" is defined as a massage practitioner licensed in the state of Washington with not less than five current years of experience in full-time practice.

(6) "Apprentice" is defined as an individual enrolled in an apprenticeship program, and shall be held to the same standards as students in schools or programs.

(7) "Student" means an individual currently enrolled in an approved school, program, or apprenticeship program, who is practicing massage solely for the purposes of education as is incidental to their current course work and who is not receiving compensation for said practice.

(8) "Direct supervision" means a faculty member is on the premises, is quickly and easily available and the client has been examined by the faculty member at such time as acceptable massage practice requires.

(9) "Animal" means any species normally recognized as treatable by veterinary medicine.

(10) "Large animal" means any species commonly recognized as livestock and exotics. Livestock includes horses, cattle, swine and sheep.

(11) "Small animal" means any species commonly recognized as domesticated. Domesticated includes canine, feline and other small animals.

[Statutory Authority: RCW 18.108.230(5). 03-11-033, § 246-830-005, filed 5/15/03, effective 6/15/03. Statutory Authority: RCW 18.108.025(1) and 18.108.085 (1)(a). 96-22-098, § 246-830-005, filed 11/6/96, effective 12/7/96. Statutory Authority: RCW 18.108.025(1). 95-11-108, § 246-830-005, filed 5/23/95, effective 6/23/95.]

WAC 246-830-435 Animal massage training. (1) For the purpose of animal massage practitioner endorsement as provided in chapter 18.108 RCW, board approval will be given to any training that consists of a minimum of one hundred hours. An hour of training is defined as fifty minutes out of a clock hour of actual instructional time. These one hundred hours must consist of the following:

(a) Twenty-five hours of animal massage technique;

(b) Twenty-five hours of animal kinesiology;

(c) Twenty hours of animal anatomy and physiology;

(d) Four hours of animal first aid which includes knowledge of normal vital signs, identification of emergency or life threatening situations, emergency first-aid application, and legal boundaries of emergency situations; and

(e) Twenty-six hours of proper handling techniques which must include instruction on the ability to control the animal to minimize risk of harm to the animal and the animal massage practitioner.

(2) Any school or training program that is required to be licensed by private vocational education (see chapter 28C.10 RCW or Title 28B RCW), or any other statute, must complete those requirements before the board will consider the training for approval.

[Statutory Authority: RCW 18.108.230(5). 03-11-033, § 246-830-435, filed 5/15/03, effective 6/15/03.]

WAC 246-830-990 Massage fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Written examination and reexamination	$ 65.00
Practical examination and reexamination	50.00
Initial license	50.00
Renewal	25.00
Late renewal penalty	25.00
Expired license reissuance	25.00
Certification of license	10.00
Duplicate license	10.00

[Statutory Authority: RCW 43.70.250. 03-07-095, § 246-830-990, filed 3/19/03, effective 7/1/03; 99-08-101, § 246-830-990, filed 4/6/99, effective 7/1/99. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-830-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 18.108.025(1). 95-11-108, § 246-830-990, filed 5/23/95, effective 6/23/95. Statutory Authority: RCW 43.70.250. 93-14-011, § 246-830-990, filed 6/24/93, effective 7/25/93. Statutory Authority: RCW 18.108.085 and 43.70.250. 92-02-018 (Order 224), § 246-830-990, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-830-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.24.086. 88-24-042 (Order PM 788), § 308-51-210, filed 12/6/88; 87-18-031 (Order PM 667), § 308-51-210, filed 8/27/87.]

Chapter 246-836 WAC
NATUROPATHIC PHYSICIANS

WAC

246-836-990 Naturopathic physician licensing fees and renewal cycle.

WAC 246-836-990 Naturopathic physician licensing fees and renewal cycle. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Amount
Application initial/retake	$ 25.00
State examination (initial/retake)	25.00
Initial license	25.00
License renewal	200.00
Late renewal penalty	100.00
Expired license reissuance	100.00
Duplicate license	15.00
Certification of license	15.00
Application for reciprocity	25.00

[Statutory Authority: RCW 43.70.250. 03-07-095, § 246-836-990, filed 3/19/03, effective 7/1/03. Statutory Authority: RCW 43.70.280. 98-05-060, § 246-836-990, filed 2/13/98, effective 3/16/98. Statutory Authority: RCW 43.70.250. 93-14-011, § 246-836-990, filed 6/24/93, effective 7/25/93. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-836-990, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 43.70.250. 90-13-084 (Order 066), § 308-34-170, filed 6/20/90, effective 7/21/90; 90-04-094 (Order 029), § 308-34-170, filed 2/7/90, effective 3/10/90. Statutory Authority: RCW 43.24.086. 88-20-075 (Order 783), § 308-34-170, filed 10/5/88. Statutory Authority: RCW 18.36A.060. 88-14-009 (Order PM 742), § 308-34-170, filed 6/24/88.]

Chapter 246-850 WAC
ORTHOTICS AND PROSTHETICS RULES

WAC

246-850-130 Continuing competency scope and purpose.
246-850-140 Continuing competency requirements for orthotists and prosthetists.
246-850-150 Classification of categories of continuing competency.
246-850-160 Auditing for compliance.
246-850-990 Orthotic and prosthetic fees.

WAC 246-850-130 Continuing competency scope and purpose. The purpose of continuing competency requirements is to maintain and enhance the professional competency of services provided by licensed orthotists and prosthetists. A successful continuing competency program focuses on all aspects of the practice to ensure that the practitioner is competent to provide safe and quality care to patients.

[Statutory Authority: RCW 18.200.050(13). 03-17-093, § 246-850-130, filed 8/20/03, effective 12/1/03.]

WAC 246-850-140 Continuing competency requirements for orthotists and prosthetists. (1) Beginning on January 1, 2004, all orthotists and prosthetists shall report continuing competency activities every three years. The reporting cycle begins at the first license renewal following initial licensing.

(2) Each licensed orthotist and prosthetist shall complete a professional enhancement plan describing the goals the licensee will develop to maintain proficiency in their practice. A professional enhancement plan must be completed in the first year of each three-year reporting period on forms provided by the secretary. The plan may focus on one specific area of practice or broader areas as determined by the individual's goals.

(3) All licensed orthotists and prosthetists must accumulate continuing competency hours as follows:

(a) Licensed orthotists must accumulate a minimum of forty-five continuing competency hours every three years in the area of orthotics.

(b) Licensed prosthetists must accumulate a minimum of forty-five continuing competency hours every three years in the area of prosthetics.

(c) Individuals who are licensed as both an orthotist and as a prosthetist must accumulate a minimum of sixty continuing competency hours every three years.

(4) For individuals licensed in one discipline, a maximum of eighteen Category 2 continuing competency hours may be earned in any three-year reporting period.

(5) For individuals licensed in both disciplines, a maximum of twenty-four Category 2 continuing competency hours may be earned in any three-year reporting period.

(6) Refer to chapter 246-12 WAC, Part 7 for additional requirements.

[Statutory Authority: RCW 18.200.050(13). 03-17-093, § 246-850-140, filed 8/20/03, effective 12/1/03.]

WAC 246-850-150 Classification of categories of continuing competency. Continuing competency activities are distinguished between activities which are sponsored by those organizations listed in subsection (1) of this section and those which are generally independent and/or unsupervised listed in subsection (2) of this section.

(1) Category 1. Courses offered or approved by the following organizations are presumed to qualify as Category 1 continuing competency activities. Category 1 activities receive one continuing competency credit hour for every fifty

minutes spent in a course or other activity. Licensees must maintain documentation of attendance at courses. Acceptable documentation includes certificates or receipts with an authorized signature, stamp or seal.

(a) American Board for Certification in Orthotics and Prosthetics, Inc.

(b) Board for Orthotist/Prosthetist Certification.

(c) American Academy of Orthotists and Prosthetists.

(d) American Orthotic and Prosthetic Association.

(e) International Association of Orthotics and Prosthetics.

(f) International Society of Prosthetics and Orthotics.

(g) Association of American Children's Orthotics and Prosthetics Clinics.

(h) Canadian Orthotic and Prosthetic Association.

(i) Any school or college of orthotics or prosthetics whose standards are deemed sufficient by the secretary under RCW 18.200.050(5).

(j) Relevant school or college courses from an institution accredited by a recognized regional accrediting body.

(k) Relevant courses or seminars offered by organizations or associations such as the American Society of Orthopedic Surgeons, the American Academy of Physical Medicine and Rehabilitation, the American College of Sports Medicine, the American Medical Association, the American Occupational Therapy Association, the American Physical Therapy Association, the American Osteopathic Association, and the American Podiatric Medical Association.

(l) Manufacturer courses approved/sponsored by organizations listed in subsections (1)(a) through (k) of this section.

(2) Category 2. Category 2 continuing competency activities are primarily independent and/or unsupervised and consistent with the goals specified in the individual licensee's professional enhancement plan. Licensees must maintain documentation of completion of Category 2 activities. The following activities, and designated continuing competency credit hours, are considered Category 2 continuing competency:

(a) Relevant allied health seminars not identified as Category 1 activities. A credit hour is fifty minutes spent in a course or other activity. A maximum of five continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation includes certificates or receipts with an authorized signature, stamp or seal.

(b) Practice management. For the purpose of this section, practice management includes only those activities which are directly related to patient care. A credit hour is fifty minutes spent in this activity. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation includes verification of completion of a course or seminar, or a written certification by the licensee describing the activity, the total time required to complete the activity and the date completed.

(c) Journal reading, including electronic publications that are consistent with the goals specified in the individual licensee's professional enhancement plan.

(i) Scientific journals with required examination: Each examination qualifies for two continuing competency credit hours. A maximum of six continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation is a certificate issued by the sponsoring organization or author showing successful completion of the examination.

(ii) Scientific journals not requiring an examination: Each report qualifies for one continuing competency credit hour. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation for each article is a written report identifying the publication source, author, publication date, and a summary of at least five points from the article.

(iii) Business journals: Each report qualifies for one continuing competency credit hour. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation for each article, is a written report identifying the publication source, author, publication date, and a summary of at least five points from the article.

(d) Instruction video, videodisc or internet courses: A credit hour is fifty minutes spent in this activity. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation is a written report identifying the source of the instruction, the release date, and summarizing at least five points presented in the instruction.

(e) Manufacturer courses sponsored by organizations not identified as Category 1 activities: A credit hour is fifty minutes spent in this activity. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation includes certificates or receipts with an authorized signature, stamp or seal.

(f) Participating in peer review: For the purpose of this section, peer review means either serving on a formal peer review panel, committee or individual review of a sole provider, where the purpose of the review is to determine whether appropriate treatment was rendered, or whether the services rendered were within accepted standards. Each occurrence qualifies for three credit hours. A maximum of nine continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation is a certification signed by the facilitator of the peer review providing the date and the total time spent in the peer review process.

(g) Mentoring:

(i) Student mentoring. Each four-hour period spent in this activity qualifies for one credit hour. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation is a copy of the mentoring contract or agreement and a certification from the student substantiating the date(s) engaged in mentoring and the total mentoring time.

(ii) Peer mentoring. Each four-hour period spent in this activity qualifies for one credit hour. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation is a certification summarizing the subject of the mentoring, the date, and total mentoring time and signed by the licensee and at least one other practitioner participating in the mentoring activity.

(h) Documented group study: A credit hour is fifty minutes spent in this activity. A maximum of six continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation is a summary of the group study topics, the date, and total group study time, signed by the facilitator or other authorized personnel.

(i) Grand rounds: Each report qualifies for one credit hour. A maximum of three continuing competency credit hours may be earned in this activity in any three-year reporting period. Acceptable documentation is a report summarizing the cases presented, the location, date, and total time spent in the grand rounds activity and signed by the facilitator or other authorized personnel.

(j) Presentation or lecture to professional group: Each presentation or lecture qualifies for two credit hours. A maximum of six continuing competency credit hours may be earned in this activity in any three-year reporting period. Credit for subsequent presentations will only be considered if the licensee can demonstrate that substantial additional preparation was required. Acceptable documentation is a course outline and a certification from the licensee providing the location, date and total presentation time.

(k) Other activities that enhance or expand the practice may be submitted to the secretary for consideration.

[Statutory Authority: RCW 18.200.050(13). 03-17-093, § 246-850-150, filed 8/20/03, effective 12/1/03.]

WAC 246-850-160 Auditing for compliance. Licensed orthotists and prosthetists must comply with auditing and documentation requirements as required in chapter 246-12 WAC, Part 7. If audited, the licensee will be required to submit the professional enhancement plan and documentation of completion of the activities projected in the plan. The secretary may require additional information as needed to assess the compliance audit.

[Statutory Authority: RCW 18.200.050(13). 03-17-093, § 246-850-160, filed 8/20/03, effective 12/1/03.]

WAC 246-850-990 Orthotic and prosthetic fees. (1) Licenses must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Orthotic application	$250.00
Prosthetic application	250.00
Orthotic renewal	150.00
Prosthetic renewal	150.00
Late renewal penalty fee	75.00
Expired credential reissuance fee	75.00
Inactive credential renewal fee	125.00
Late inactive renewal fee	62.50
Retired active credential renewal fee	125.00
Late retired active credential renewal fee	62.50
Duplicate credential or wall certificate	15.00
Certification	25.00

[Statutory Authority: RCW 43.70.250. 03-21-116, § 246-850-990, filed 10/20/03, effective 12/31/03. Statutory Authority: RCW 18.200.050(1). 98-21-086, § 246-850-990, filed 10/21/98, effective 11/21/98.]

Chapter 246-851 WAC
OPTOMETRISTS

WAC

246-851-390 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-851-390 Practice under trade name. [Statutory Authority: RCW 18.54.070. 92-20-019 (Order 305B), § 246-851-390, filed 9/25/92, effective 10/26/92; 91-06-025 (Order 119B), recodified as § 246-851-390, filed 2/26/91, effective 3/29/91. Statutory Authority: RCW 18.54.070(5). 80-04-054 (Order PL 331), § 308-53-280, filed 3/21/80.] Repealed by 03-05-021, filed 2/10/03, effective 3/13/03. Statutory Authority: RCW 18.54.070(2).

WAC 246-851-390 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-870 WAC
ELECTRONIC TRANSMISSION OF PRESCRIPTION INFORMATION

WAC

246-870-010 Purpose.
246-870-020 What definitions do I need to know to understand these rules?
246-870-030 What is included in the electronic transmission and transfer of prescription information?
246-870-040 Can all prescriptions be transmitted electronically?
246-870-050 What are the requirements for fax machines?
246-870-060 What are the board requirements for electronic prescription transmission systems?
246-870-070 What are the board requirements for pharmacies using electronic prescription transmission systems?
246-870-080 Can prescription records be stored electronically?
246-870-090 Can electronic mail systems be used to transmit patient information?

WAC 246-870-010 Purpose. The purpose of this chapter is to ensure compliance with the law on electronic transfer of prescription information and to provide guidance on how compliance can be achieved.

[Statutory Authority: Chapters 69.41, 69.50 RCW, RCW 18.64.005. 03-24-070, § 246-870-010, filed 12/1/03, effective 1/1/04.]

WAC 246-870-020 What definitions do I need to know to understand these rules? (1) "Electronic transmission of prescription information" means the communication from an authorized prescriber to a pharmacy or from one pharmacy to another pharmacy, by computer, by the transmission of an exact visual image of a prescription by facsimile, or by other electronic means other than electronic voice communication, of original prescription information or prescription refill information for a legend drug or controlled substance consistent with state and federal law.

(2) "Confidential patient information" means information maintained in the patient's health care records or individually identifiable health care records. Confidential information must be maintained and protected from release in accordance with chapter 70.02 RCW and applicable federal law.

(3) "Digital signature" means an electronic identifier that provides for message integrity, nonrepudiation, user authentication, and encryption and is intended to have the force and effect of a manual signature.

(4) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a prescription and executed or adopted by an authorized person with the intent to sign the prescription.

(5) "Security" means a system to maintain the confidentiality and integrity of patient records including:

(a) Documented formal procedures for selecting and executing security measures;

(b) Physical safeguards to protect computer systems and other pertinent equipment from intrusion;

(c) Processes to protect, control and audit access to confidential patient information; and

(d) Processes to prevent unauthorized access to the data when transmitted over communication networks or when data physically moves from one location to another using media such as magnetic tape, removable drives or CD media.

[Statutory Authority: Chapters 69.41, 69.50 RCW, RCW 18.64.005. 03-24-070, § 246-870-020, filed 12/1/03, effective 1/1/04.]

WAC 246-870-030 What is included in the electronic transmission and transfer of prescription information? The electronic transfer of prescription information includes the communication of prescription information by computer, fax, or other electronic means. It includes the transfer of original and refill prescriptions and the transfer of prescription information from one pharmacy to another pharmacy.

Transmission of original prescriptions must include:

(1) Prescriber's name and the physical address of the prescriber;

(2) Prescriber's Drug Enforcement Administration Registration number where required for controlled substance prescriptions;

(3) Date of issuance;

(4) Patient's name and address;

(5) Drug name, dose, route, form, directions for use, quantity;

(6) Electronic, digital, or manual signature of the prescriber;

(7) Refills or renewals authorized, if any;

(8) A place to note allergies and a notation of purpose for the drug;

(9) Indication of preference for a generic equivalent drug substitution;

(10) Any other requirements consistent with laws and rules pertaining to prescription content and form, RCW 69.41.120 and 21 Code of Federal Regulations Part 1300; and

(11) Identification of the electronic system readily retrievable for board of pharmacy inspection.

Transfer of prescription information from pharmacy to pharmacy by facsimile, or verbally, must include:

(a) All elements of the original prescription;

(b) Date of transfer maintained in records at each site;

(c) Number of refills remaining and the date of last refill;

(d) State and federal required information for controlled substances;

(e) No further refills may be issued by the transferring pharmacy unless the pharmacies use a common electronic data base for prescription filling which provides an audit trail to document each refill and limits refills to the number authorized.

[Statutory Authority: Chapters 69.41, 69.50 RCW, RCW 18.64.005. 03-24-070, § 246-870-030, filed 12/1/03, effective 1/1/04.]

WAC 246-870-040 Can all prescriptions be transmitted electronically? Consistent with state and federal laws and rules over-the-counter, legend drug and controlled substance prescriptions may be transmitted electronically.

Federal and state law do not allow the electronic transfer of Schedule II prescriptions except exact visual images as described in WAC 246-870-050(3). The pertinent requirements for Schedule II prescriptions are found in RCW 69.50.308 and 21 CFR Part 1306.

[Statutory Authority: Chapters 69.41, 69.50 RCW, RCW 18.64.005. 03-24-070, § 246-870-040, filed 12/1/03, effective 1/1/04.]

WAC 246-870-050 What are the requirements for fax machines? Prescription orders may be transmitted to pharmacists directly from the prescriber using facsimile transmission devices subject to the following requirements:

(1) The order contains the date, time, and telephone number and location of the transmitting device.

(2) Prescriptions for Schedule III, IV, and V drugs may be transmitted at any time.

(3) Prescriptions for Schedule II drugs may be transmitted only under the following conditions:

(a) The order is for an injectable Schedule II narcotic substance that is to be compounded by the pharmacist for patient use; or

(b) The prescription is written for patients in a long-term care facility or a hospice program as defined in RCW 69.50.308;

(c) The prescription must be signed by the prescriber;

(d) In a nonemergent situation, an order for Schedule II controlled substances may be prepared for delivery to a patient pursuant to a facsimile transmission but may not be dispensed to the patient except upon presentation of a written order;

(e) In an emergent situation, an order for Schedule II controlled substances may be dispensed to the patient upon the oral prescription of a prescriber subject to the requirements of RCW 69.50.308(c). The pharmacy has seven days to obtain a written prescription that covers an emergency Schedule II oral prescription;

(f) To a hospital as defined in WAC 246-873-010 for a patient admitted to or being discharged from the hospital.

(4) The transmitted order shall be filed in the same manner as any other prescription. However, the pharmacist is responsible for assuring that the quality of the order is sufficient to be legible for at least two years pursuant to the records retention requirements of WAC 246-869-100.

(5) Refill authorizations for prescriptions may be electronically transmitted.

(6) The pharmacist is responsible for assuring that each electronically transmitted prescription is valid and shall verify authenticity with the prescriber whenever there is a question.

(7) No agreement between a prescriber and a pharmacist or pharmacy shall require that prescription orders be electronically transmitted from the prescriber to only that pharmacy.

[Statutory Authority: Chapters 69.41, 69.50 RCW, RCW 18.64.005. 03-24-070, § 246-870-050, filed 12/1/03, effective 1/1/04.]

WAC 246-870-060 What are the board requirements for electronic prescription transmission systems? (1) Systems for the electronic transmission of prescription information must be approved by the board. Board approval of systems will be for a period of three years. The board will maintain a list of approved systems.

(2) Systems in which prescriptions are transmitted from the prescriber's facsimile machine to the pharmacy facsimile machine do not require board approval.

(3) Each system shall have policies and procedures on the electronic transmission of prescription information available that address the following:

(a) Patient access. The system may not restrict the patient's access to the pharmacy of their choice.

(b) Security. The system shall have security and system safeguard designed to prevent and detect unauthorized access, modification, or manipulation of prescription information. Accordingly, the system should include:

(i) Documented formal procedures for selecting and executing security measures;

(ii) Physical safeguards to protect computer systems and other pertinent equipment from intrusion;

(iii) Processes to protect, control and audit access to confidential patient information; and

(iv) Processes to prevent unauthorized access to the data when transmitted over communication networks or when data physically moves from one location to another using media such as magnetic tape, removable drives or CD media.

(c) Systems that utilize intermediaries in the electronic communication or processing of prescriptions such as third party payers shall be responsible to insure that their contracts with these intermediaries require security measures that are equal to or better than those provided by this rule and prohibit the modification of any prescription record after it has been transmitted by the practitioner to the pharmacist.

(d) Confidentiality of patient records. The system shall maintain the confidentiality of patient information in accordance with the requirements of chapters 18.64, 69.50, and 70.02 RCW Health Care Information Act and any applicable federal law.

(e) Authentication. To be valid prescriptions transmitted by an authorized prescriber from computer to fax machine or from computer to computer must use an electronic signature or digital signature.

(4) The system shall provide for the transmission and retention of the information by the sender and the receiver of the prescription as required in WAC 246-870-030.

(5) The system must authenticate the sender's authority and credentials to transmit a prescription.

(a) The system shall provide an audit trail of all prescriptions electronically transmitted that documents for retrieval all actions and persons who have acted on a prescription, including authorized delegation of transmission;

(b) The right of the Washington state board of pharmacy to access electronically submitted prescriptions for purposes of investigations in disciplinary proceedings.

(6) If a hard copy prescription, generated from the electronic prescription system, is printed on security paper that insures it is not subject to copying or alteration, an electronic signature may be substituted for a manual signature.

[Statutory Authority: Chapters 69.41, 69.50 RCW, RCW 18.64.005. 03-24-070, § 246-870-060, filed 12/1/03, effective 1/1/04.]

WAC 246-870-070 What are the board requirements for pharmacies using electronic prescription transmission systems? Each pharmacy must have policies and procedures that ensure the integrity and confidentiality of patient information transmitted electronically as required by chapter 70.02 RCW and applicable federal law. All pharmacy employees and agents of the pharmacy are required to read, sign and comply with the policy and procedures.

[Statutory Authority: Chapters 69.41, 69.50 RCW, RCW 18.64.005. 03-24-070, § 246-870-070, filed 12/1/03, effective 1/1/04.]

WAC 246-870-080 Can prescription records be stored electronically? Prescription records for legend drugs can be stored electronically if they are in compliance with chapter 246-875 WAC patient medication record systems and are readily retrievable by the board, or its agent for inspection. Controlled substance prescriptions must be maintained in accordance with state and federal regulations.

[Statutory Authority: Chapters 69.41, 69.50 RCW, RCW 18.64.005. 03-24-070, § 246-870-080, filed 12/1/03, effective 1/1/04.]

WAC 246-870-090 Can electronic mail systems be used to transmit patient information? Electronic mail systems can be used to transmit patient information concerning an original prescription or information concerning a prescription refill if all direct communications between a pharmacist and a practitioner are kept secure and confidential. The system used to communicate patient information shall meet the requirements for security and confidentiality in WAC 246-870-020.

[Statutory Authority: Chapters 69.41, 69.50 RCW, RCW 18.64.005. 03-24-070, § 246-870-090, filed 12/1/03, effective 1/1/04.]

Chapter 246-887 WAC

PHARMACY—REGULATIONS IMPLEMENTING THE UNIFORM CONTROLLED SUBSTANCES ACT

WAC

246-887-045 Prescribing, dispensing, or administering of Schedule II nonnarcotic stimulants.
246-887-165 Adding Xyrem to Schedule III.

WAC 246-887-045 Prescribing, dispensing, or administering of Schedule II nonnarcotic stimulants. The Schedule II stimulants listed in WAC 246-887-040 may be prescribed, dispensed, or administered to patients for the following disease states or conditions:

(1) Disease states or conditions listed in RCW 69.50.402 (3)(ii);

(2) Multiple sclerosis.

[Statutory Authority: RCW 69.50.402 and 18.64.005(7). 03-04-045, § 246-887-045, filed 1/28/03, effective 2/28/03.]

WAC 246-887-165 Adding Xyrem to Schedule III. The Washington state board of pharmacy finds that Xyrem, sodium oxybate, Gamma-hydroxybutyric (GHB), is

approved for medical use by the Food and Drug Administration and hereby places that substance in Schedule III.

[Statutory Authority: Chapter 69.50 RCW and RCW 18.64.005. 03-09-064, § 246-887-165, filed 4/15/03, effective 5/16/03.]

Chapter 246-889 WAC
PHARMACEUTICAL—PRECURSOR SUBSTANCE CONTROL

WAC

246-889-050 Suspicious transactions.

WAC 246-889-050 Suspicious transactions. Any manufacturer or wholesaler who sells, transfers, or furnishes any substance specified in RCW 69.43.010(1) or WAC 246-889-020 to any person shall report any suspicious transaction in writing to the state board of pharmacy. For the purpose of this rule, a "suspicious transaction" is defined as:

(1) Any sale or transfer that would lead a reasonable person to believe that the substance is likely to be used for the purpose of unlawfully manufacturing a controlled substance under chapter 69.50 RCW, based on such factors as:

(a) The amount of the substance involved;

(b) The method of payment;

(c) The method of delivery; or

(d) Any past dealings with any participant in the transaction.

(2) The transaction involves payment for any substance specified in RCW 69.43.010(1) or WAC 246-889-020 in cash or money orders in a total amount of more than two hundred dollars.

(3) Any sale or transfer of any substance specified in RCW 69.43.010(1) or WAC 246-889-020 that meets the criteria identifying suspicious orders in Appendix A of the U.S. Department of Justice, Drug Enforcement Administration, Diversion Control Program Report of the Suspicious Orders Task Force. Copies of the publication are available upon request from the state board of pharmacy.

(4) In addition to the above suspicious transaction criteria, the following requirements shall apply to over-the-counter wholesalers and full-line wholesalers:

(a) An over-the-counter wholesaler shall also use the following formula to identify a suspicious transaction:

(i) Any wholesaler whose individual sale or transfer of any product specified in RCW 69.43.010(1) or WAC 246-889-020 exceeds ten percent of the seller's distribution, during the same calendar month, shall be considered a suspicious transaction (e.g., if a wholesaler sells one thousand dollars' worth of pseudoephedrine tablets during a month in which less than ten thousand dollars of other goods are sold to its customers). In this case, the sales to each of the customers must be reported to the board.

(ii) Any time the value of a sale to a single customer of any product listed in RCW 69.43.010(1) or WAC 246-889-020 exceeds ten percent of the value of the full order shipped to the customer (e.g., if a wholesaler sells an order to a customer which contains one hundred dollars' worth of the pseudoephedrine tablets either alone or along with twenty-five dollars' worth of aspirin tablets).

(b) A full-line wholesaler shall also use the formula listed in Appendix E-3 of the U.S. Department of Justice, Drug Enforcement Administration, Diversion Control Program Report of the Suspicious Orders Task Force to identify a suspicious transaction.

(5) The written report of a suspicious transaction shall contain, at a minimum, the following information:

(a) Name, address and phone number of the manufacturer and/or wholesaler making the report;

(b) Name and address of the person or firm receiving the suspicious transaction;

(c) Quantity of substance purchased, transferred, or furnished;

(d) Date of purchase, transfer, or furnish; and

(e) Method of payment of the substance.

[Statutory Authority: RCW 69.43.035 and 18.64.005(7). 03-13-027, § 246-889-050, filed 6/10/03, effective 7/11/03.]

Chapter 246-919 WAC
MEDICAL QUALITY ASSURANCE COMMISSION

WAC

246-919-100 Repealed.
246-919-120 Repealed.
246-919-130 Repealed.
246-919-140 Repealed.
246-919-150 Repealed.
246-919-350 Repealed.
246-919-720 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-919-100 Panel composition. [Statutory Authority: RCW 18.71.017 and 18.71A.020. 96-03-073, § 246-919-100, filed 1/17/96, effective 2/17/96.] Repealed by 03-20-109, filed 10/1/03, effective 11/1/03. Statutory Authority: RCW 18.71.017.

246-919-120 Appearance and practice before agency—Solicitation of business unethical. [Statutory Authority: RCW 18.71.017 and 18.71A.020. 96-03-073, § 246-919-120, filed 1/17/96, effective 2/17/96.] Repealed by 03-20-109, filed 10/1/03, effective 11/1/03. Statutory Authority: RCW 18.71.017.

246-919-130 Appearance and practice before agency—Standards of ethical conduct. [Statutory Authority: RCW 18.71.017 and 18.71A.020. 96-03-073, § 246-919-130, filed 1/17/96, effective 2/17/96.] Repealed by 03-20-109, filed 10/1/03, effective 11/1/03. Statutory Authority: RCW 18.71.017.

246-919-140 Appearance and practice before agency—Appearance by former member of attorney general's staff. [Statutory Authority: RCW 18.71.017 and 18.71A.020. 96-03-073, § 246-919-140, filed 1/17/96, effective 2/17/96.] Repealed by 03-20-109, filed 10/1/03, effective 11/1/03. Statutory Authority: RCW 18.71.017.

246-919-150 Appearance and practice before agency—Former employee and board/commission member as witness. [Statutory Authority: RCW 18.71.017 and 18.71A.020. 96-03-073, § 246-919-150, filed 1/17/96, effective 2/17/96.] Repealed by 03-20-109, filed 10/1/03, effective 11/1/03. Statutory Authority: RCW 18.71.017.

246-919-350 Examinations. [Statutory Authority: RCW 18.71.017 and 18.71A.020. 96-03-073, § 246-919-350, filed 1/17/96, effective 2/17/96.] Repealed by 03-20-109, filed 10/1/03, effective 11/1/03. Statutory Authority: RCW 18.71.017.

246-919-720 Health care institutions. [Statutory Authority: RCW 18.71.017 and 18.71A.020. 96-03-073, § 246-919-720, filed 1/17/96, effective 2/17/96.] Repealed by 03-20-109, filed 10/1/03, effective 11/1/03. Statutory Authority: RCW 18.71.017.

WAC 246-919-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-919-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-919-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-919-140 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-919-150 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-919-350 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-919-720 Repealed. See Disposition Table at beginning of this chapter.

Chapter 246-926 WAC
RADIOLOGICAL TECHNOLOGISTS

WAC

246-926-100 Definitions—Alternative training radiologic technologists.

WAC 246-926-100 Definitions—Alternative training radiologic technologists. (1) Definitions. For the purposes of certifying radiologic technologists by alternative training methods the following definitions shall apply:

(a) "One quarter credit hour" equals eleven "contact hours";

(b) "One semester credit hour" equals sixteen contact hours;

(c) "One contact hour" is considered to be fifty minutes lecture time or one hundred minutes laboratory time;

(d) "One clinical year" is considered to be 1900 contact hours.

(e) "Immediate supervision" means the radiologist or nuclear medicine physician is in audible or visual range of the patient and the person treating the patient.

(f) "Direct supervision" means the supervisory clinical evaluator is on the premises, is quickly and easily available.

(g) "Indirect supervision" means the supervising radiologist or nuclear medicine physician is on site no less than half-time.

(h) "Allied health care profession" means an occupation for which programs are accredited by the American Medical Association Committee on Allied Health Education and Accreditation, Sixteenth Edition of the Allied Health Education Directory, 1988 or a previous edition.

(i) "Formal education" shall be obtained in postsecondary vocational/technical schools and institutions, community or junior colleges, and senior colleges and universities accredited by regional accrediting associations or by other recognized accrediting agencies or programs approved by the Committee on Allied Health Education and Accreditation of the American Medical Association.

(2) Clinical practice experience shall be supervised and verified by the approved clinical evaluators who must be:

(a) A certified radiologic technologist designated in the specialty area the individual is requesting certification who provides direct supervision; and

(b) A radiologist for those individuals requesting certification in practice of diagnostic radiologic technology or therapeutic radiologic technology; or for those individuals requesting certification as a nuclear medicine technologist, a physician specialist in nuclear medicine who provides indirect supervision. The physician supervisor shall routinely critique the films and evaluate the quality of the trainees' work; or

(c) The physician specialist in nuclear medicine who is providing indirect supervision may also provide direct supervision, when a certified nuclear medicine technologist is not available, for individuals requesting to become certified as a nuclear medicine technologist.

[Statutory Authority: RCW 18.84.040. 03-10-100, § 246-926-100, filed 5/7/03, effective 6/7/03. Statutory Authority: RCW 43.70.040. 91-02-049 (Order 121), recodified as § 246-926-100, filed 12/27/90, effective 1/31/91. Statutory Authority: RCW 18.84.040. 89-01-015 (Order PM 802), § 308-183-090, filed 12/9/88.]

Chapter 246-927 WAC
RECREATION THERAPY

WAC

246-927-010 How many hours of AIDS prevention and information education do I need?
246-927-990 How often do I need to renew and what are the costs for registration?

WAC 246-927-010 How many hours of AIDS prevention and information education do I need? Applicants must complete four clock hours of AIDS education as required in chapter 246-12 WAC, Part 8.

[Statutory Authority: Chapter 18.230 RCW, RCW 70.24.270 and 70.24.250. 03-22-021, § 246-927-010, filed 10/27/03, effective 11/27/03.]

WAC 246-927-990 How often do I need to renew and what are the costs for registration? (1) Registrations must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC, Part 2.

(2) The following nonrefundable fees will be charged for registered recreational therapists:

Title of Fee	Fee
Application	$110.00
Renewal	85.00
Late renewal penalty	50.00
Expired registration reissuance	50.00
Duplicate registration	15.00
Certification of certificate	25.00

[Statutory Authority: Chapter 18.230 RCW and RCW 43.70.250. 03-09-065, § 246-927-990, filed 4/15/03, effective 7/1/03.]

Chapter 246-933 WAC
VETERINARIANS—VETERINARY BOARD

WAC

246-933-320 General requirements for all veterinary medical facilities.
246-933-501 Intent.
246-933-510 Definitions.
246-933-520 Registration.
246-933-530 Purchase and use of legend drugs and controlled substances.
246-933-550 Investigation.
246-933-590 Humane society and animal care and control agency (entity) fees and renewal cycle.

WAC 246-933-320 General requirements for all veterinary medical facilities. (1) **Construction and maintenance:** All facilities shall be so constructed and maintained as to provide comfort and safety for patients and clients. All areas of the premises shall be maintained in a clean and orderly condition, free of objectionable odors. All facilities shall comply with applicable state, county and municipal laws, ordinances and regulations.

(2) **Ventilation:** Adequate heating and cooling shall be provided for the comfort of the animals, and the facility shall have sufficient ventilation in all areas.

(3) **Lighting:** Proper lighting shall be provided in all rooms utilized for the practice of veterinary medicine. Outside lighting shall be adequate to identify the building and to assist the clients.

(4) **Water:** Potable water shall be provided.

(5) **Basic sanitation:** Any equipment, instruments or facilities used in the treatment of animals shall be clean and sanitary at all times to protect against the spread of diseases, parasites and infection.

(6) **Waste disposal:** Covered waste containers, impermeable by water, shall be used for the removal and disposal of animal and food wastes, bedding, animal tissues, debris and other waste.

Disposal facilities shall be so operated as to minimize insect or other vermin infestation, and to prevent odor and disease hazards or other nuisance conditions.

The facility shall use refrigeration and employ a procedure for the prompt, sanitary and esthetic disposal of dead animals which complies with all applicable state, county and municipal laws, ordinances and regulations.

(7) **Records:**

(a) Every veterinarian shall keep daily written reports of the animals he or she treats. Separate records for companion animals shall be kept for each animal. The medical record for a litter may be recorded either on the dam's record or on a litter record until the individual animals are permanently placed or reach the age of three months. Records for food and fibre producing animals and animals kept in herds or flocks, etc., may be maintained on a group or client basis. All records shall be legible, readily retrievable and shall be kept for a period of three years following the last treatment or examination. The author of all medical record entries must be identified by code or employee number, or initials. The records shall include, but not be limited to, the following:

(i) Name, address and telephone number of the owner.

(ii) Name, number or other identification of the animal or group.

(iii) Species, breed, age, sex, weight and color of the animal.

(iv) Immunization record.

(v) Beginning and ending dates of custody of the animal.

(vi) Sufficient information in the history and examination portions of the record to justify the tentative diagnosis and to warrant the treatment. This would include, but not be limited to:

(A) A short history of the animal's condition as it pertains to its medical status.

(B) Physical examination findings and any laboratory or other diagnostic tests performed and/or recommended.

(vii) Provisional or final diagnosis.

(viii) Treatment administered and/or recommended.

(ix) Dosage and route of medications administered, prescribed or dispensed.

(x) Anesthesia dosage and route of administration.

(xi) Description of surgery performed.

(xii) Progress of the case.

(xiii) If applicable, documentation of the low-income status for persons that seek the limited veterinary services provided by qualified animal care and control agencies and humane societies.

(b) Veterinary medical records and radiographs are the property of the veterinarian or the veterinary facility that originally ordered their preparation. When requested by the client, copies of records will be made available as promptly as required under the circumstances, but no later than fifteen working days upon the client's request. The veterinarian may charge a reasonable copying fee, not to exceed the actual cost for providing the veterinary care information. A radiograph shall be released upon the request of another veterinarian who has the authorization of the owner of the animal to which it pertains. Such radiograph shall be returned to the originating veterinarian or veterinary facility within fifteen working days of receipt of a written request.

(8) **Storage:** All supplies, including food and bedding, shall be stored in facilities which adequately protect such supplies against infestation, contamination or deterioration. Refrigeration shall be provided for all supplies that are of a perishable nature, including foods, drugs and biologicals.

(9) **Biologicals and drugs:** Biologicals and other drugs shall be stored in such a manner as to prevent contamination and deterioration in accordance with the packaging and storage requirements of the current editions of the *U.S. Pharmacopeia,* 12601 Twinbrook Parkway, Rockville, Maryland 20852, and the *National Formulary,* Mack Publishing Company, 20th and Northampton Streets, Easton, Pennsylvania 18042 and/or manufacturers' recommendation.

All controlled substances shall be maintained in a locked cabinet or other suitable secure container in accordance with federal and Washington state laws.

Controlled substance records shall be readily retrievable, in accordance with federal and Washington state laws.

[Statutory Authority: RCW 18.92.030 and 18.92.260. 03-14-035, § 246-933-320, filed 6/23/03, effective 7/24/03. Statutory Authority: RCW 18.92.030. 92-17-076 (Order 299B), § 246-933-320, filed 8/19/92, effective 9/19/92; 91-24-098 (Order 221B), § 246-933-320, filed 12/4/91, effective 1/4/92; 91-02-060 (Order 108B), recodified as § 246-933-320, filed 12/28/90, effective 1/31/91; 88-08-033 (Order PM 719), § 308-153-020, filed 4/1/88. Statutory Authority: RCW 18.92.030, 18.130.050 (1) and (12)

and 1986 c 259 § 139. 86-13-070 (Order PM 600), § 308-153-020, filed 6/18/86; Order PL-236, § 308-153-020, filed 2/18/76.]

WAC 246-933-501 Intent. It is the intent of the legislature to allow qualified animal control agencies and humane societies to provide limited veterinary services to low-income members of our communities. It is not the intent of the legislature to allow these agencies to provide veterinary services to the public at large.

[Statutory Authority: RCW 18.92.030 and 18.92.260. 03-14-035, § 246-933-501, filed 6/23/03, effective 7/24/03.]

WAC 246-933-510 Definitions. As used in this chapter:

(1) "Entity" means animal care and control agencies as defined in RCW 16.52.011 and nonprofit humane societies, which have qualified under section 501 (c)(3) of the Internal Revenue Code.

(2) "Emergency care" as referred to in RCW 18.92.260 (1)(b) means an unexpected, serious occurrence or situation which urgently requires prompt action in order to prevent an animal's death or permanent injury, unless defined otherwise by local ordinance.

(3) "Low-income household" means a single person, family or unrelated persons living together whose adjusted family income is less than eighty percent of the median family income, adjusted for household size, for the county where the project is located (RCW 43.185A.010(5)).

[Statutory Authority: RCW 18.92.030 and 18.92.260. 03-14-035, § 246-933-510, filed 6/23/03, effective 7/24/03.]

WAC 246-933-520 Registration. A qualified animal care, control agency, or nonprofit humane society may obtain a registration credential. Refer to the requirements of chapter 246-12 WAC, Part 3.

[Statutory Authority: RCW 18.92.030 and 18.92.260. 03-14-035, § 246-933-520, filed 6/23/03, effective 7/24/03.]

WAC 246-933-530 Purchase and use of legend drugs and controlled substances. (1) For purposes of this section, "drugs" includes both legend drugs and controlled substances.

(a) "Legend drugs" means any drugs that are required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

(b) "Controlled substances" means a drug, substance, or immediate precursor in Schedule I through V of Article II of chapter 69.50 RCW.

(2) A licensed veterinarian shall be responsible for the policies and procedures regarding the ordering, purchasing, safe storage, dispensing and administration of all drugs used at an entity registered under RCW 18.92.260 in connection with surgical sterilization or emergency care. Entities are responsible for the ordering, purchasing, and safe storage of all drugs.

(a) The veterinarian shall comply with the state board of pharmacy requirements for controlled substances in chapter 69.50 RCW, and legend drugs in chapter 69.41 RCW.

(b) All drugs shall be stored in accordance with WAC 246-933-320.

(c) All controlled substances shall be stored, maintained, administered, dispensed and prescribed in compliance with federal and Washington state laws.

(d) All legend drugs shall be dispensed in accordance with RCW 18.92.012, 18.92.013, and WAC 246-933-340(5).

(e) A record of all drugs administered and/or dispensed shall be kept in the individual animal's record.

[Statutory Authority: RCW 18.92.030 and 18.92.260. 03-14-035, § 246-933-530, filed 6/23/03, effective 7/24/03.]

WAC 246-933-550 Investigation. Treatment records to include drug use shall be made available to representatives of the veterinary board of governors and the board of pharmacy.

[Statutory Authority: RCW 18.92.030 and 18.92.260. 03-14-035, § 246-933-550, filed 6/23/03, effective 7/24/03.]

WAC 246-933-590 Humane society and animal care and control agency (entity) fees and renewal cycle. (1) Registrations must be renewed every year on August 1 as provided in chapter 246-12 WAC, Part 3.

(2) The nonrefundable fees are:

Title of Fee	Fee
Entity registration	$100.00
Entity renewal	75.00
Late renewal penalty	50.00
Expired registration reissuance	50.00

[Statutory Authority: RCW 43.70.250 and 18.92.260. 03-10-044, § 246-933-590, filed 5/1/03, effective 6/1/03.]

Chapter 246-935 WAC
VETERINARY TECHNICIANS

WAC

246-935-070 Examination for registration as a veterinary technician.

WAC 246-935-070 Examination for registration as a veterinary technician. (1) All applicants shall be required to successfully complete the veterinary technician national examination as approved by the board, and the Washington state examination that consists of questions pertaining to the laws and rules regulating technicians.

(2) The passing criteria or score is:

(a) Criteria-referenced passing score on the national examination.

(b) Ninety percent on the Washington state examination.

[Statutory Authority: RCW 18.92.030. 03-11-034, § 246-935-070, filed 5/15/03, effective 6/15/03; 93-08-029 (Order 353B), § 246-935-070, filed 3/30/93, effective 4/30/93; 91-24-098 (Order 221B), § 246-935-070, filed 12/4/91, effective 1/4/92; 91-02-060 (Order 108B), recodified as § 246-935-070, filed 12/28/90, effective 1/31/91; 88-08-033 (Order PM 719), § 308-156-060, filed 4/1/88. Statutory Authority: RCW 18.92.015 and 18.92.030. 83-19-055 (Order PL 445), § 308-156-060, filed 9/19/83. Statutory Authority: RCW 18.92.030. 80-01-069 (Order PL 332), § 308-156-060, filed 12/21/79.]

Chapter 246-976 WAC
EMERGENCY MEDICAL SERVICES AND TRAUMA CARE SYSTEMS

WAC

246-976-021 Training course requirements.

246-976-485 Designation of facilities to provide trauma care services.

246-976-500 Repealed.
246-976-510 Repealed.
246-976-520 Repealed.
246-976-530 Trauma service designation—Administration and organization.
246-976-535 Trauma service designation—Basic resources and capabilities.
246-976-540 Trauma service designation—Outreach, public education, provider education, and research.
246-976-550 Repealed.
246-976-560 Repealed.
246-976-570 Repealed.
246-976-600 Repealed.
246-976-610 Repealed.
246-976-615 Repealed.
246-976-620 Equipment standards for trauma service designation.
246-976-640 Repealed.
246-976-650 Repealed.
246-976-680 Repealed.
246-976-690 Repealed.
246-976-720 Repealed.
246-976-730 Repealed.
246-976-740 Repealed.
246-976-750 Pediatric trauma service designation—Administration and organization.
246-976-755 Pediatric trauma service designation—Basic resources and capabilities.
246-976-760 Pediatric trauma service designation—Outreach, public education, provider education, and research.
246-976-770 Repealed.
246-976-780 Repealed.
246-976-790 Repealed.
246-976-810 Repealed.
246-976-820 Repealed.
246-976-822 Repealed.
246-976-870 Trauma team activation.
246-976-881 Trauma quality improvement programs for designated trauma care services.
246-976-885 Educational requirements—Designated trauma care service personnel.
246-976-886 Pediatric education requirements (PER) for nonpediatric designated facilities.
246-976-887 Pediatric education requirements (PER) for pediatric designated facilities.
246-976-890 Interhospital transfer guidelines and agreements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

246-976-500 Designation standards for facilities providing level I trauma care service—Administration and organization. [Statutory Authority: Chapter 70.168 RCW. 02-12-107, § 246-976-500, filed 6/5/02, effective 7/6/02; 98-04-038, § 246-976-500, filed 1/29/98, effective 3/1/98. Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-500, filed 12/23/92, effective 1/23/93.] Repealed by 04-01-041, filed 12/10/03, effective 1/10/04. Statutory Authority: RCW 70.168.060 and 70.168.070.

246-976-510 Designation standards for facilities providing level I trauma care service—Basic resources and capabilities. [Statutory Authority: Chapter 70.168 RCW. 02-12-107, § 246-976-510, filed 6/5/02, effective 7/6/02; 98-04-038, § 246-976-510, filed 1/29/98, effective 3/1/98; 93-20-063, § 246-976-510, filed 10/1/93, effective 11/1/93. Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-510, filed 12/23/92, effective 1/23/93.] Repealed by 04-01-041, filed 12/10/03, effective 1/10/04. Statutory Authority: RCW 70.168.060 and 70.168.070.

246-976-520 Designation standards for facilities providing level I trauma care service—Outreach, public education, trauma care education, and research. [Statutory Authority: Chapter 70.168 RCW. 98-04-038, § 246-976-520, filed 1/29/98, effective 3/1/98; 93-20-063, § 246-976-520, filed 10/1/93, effective 11/1/93. Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-520, filed 12/23/92, effective 1/23/93.] Repealed by 04-01-041, filed 12/10/03, effective 1/10/04. Statutory Authority: RCW 70.168.060 and 70.168.070.

246-976-550 Designation standards for facilities providing level II trauma care service—Administration and organization. [Statutory Authority: Chapter 70.168 RCW. 02-12-107, § 246-976-550, filed 6/5/02, effective 7/6/02; 98-04-038, § 246-976-550, filed 1/29/98, effective 3/1/98. Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-550, filed 12/23/92, effective 1/23/93.] Repealed by 04-01-041, filed 12/10/03, effective 1/10/04. Statutory Authority: RCW 70.168.060 and 70.168.070.

246-976-560 Designation standards for facilities providing level II trauma care service—Basic resources and capabilities. [Statutory Authority: Chapter 70.168 RCW. 02-12-107, § 246-976-560, filed 6/5/02, effective 7/6/02; 98-19-107, § 246-976-560, filed 9/23/98, effective 10/24/98; 98-04-038, § 246-976-560, filed 1/29/98, effective 3/1/98; 93-20-063, § 246-976-560, filed 10/1/93, effective 11/1/93. Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-560, filed 12/23/92, effective 1/23/93.] Repealed by 04-01-041, filed 12/10/03, effective 1/10/04. Statutory Authority: RCW 70.168.060 and 70.168.070.

246-976-570 Designation standards for facilities providing level II trauma care service—Outreach, public education and trauma care education. [Statutory Authority: Chapter 70.168 RCW. 98-04-038, § 246-976-570, filed 1/29/98, effective 3/1/98. Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-570, filed 12/23/92, effective 1/23/93.] Repealed by 04-01-041, filed 12/10/03, effective 1/10/04. Statutory Authority: RCW 70.168.060 and 70.168.070.

246-976-600 Designation standards for facilities providing level III trauma care service—Administration and organization. [Statutory Authority: Chapter 70.168 RCW. 02-12-107, § 246-976-600, filed 6/5/02, effective 7/6/02; 98-04-038, § 246-976-600, filed 1/29/98, effective 3/1/98; 93-20-063, § 246-976-600, filed 10/1/93, effective 11/1/93. Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-600, filed 12/23/92, effective 1/23/93.] Repealed by 04-01-041, filed 12/10/03, effective 1/10/04. Statutory Authority: RCW 70.168.060 and 70.168.070.

246-976-610 Designation standards for facilities providing level III trauma care service—Basic resources and capabilities. [Statutory Authority: Chapter 70.168 RCW. 02-12-107, § 246-976-610, filed 6/5/02, effective 7/6/02; 98-19-107, § 246-976-610, filed 9/23/98, effective 10/24/98; 98-04-038, § 246-976-610, filed 1/29/98, effective 3/1/98; 93-20-063, § 246-976-610, filed 10/1/93, effective 11/1/93. Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-610, filed 12/23/92, effective 1/23/93.] Repealed by 04-01-041, filed 12/10/03, effective 1/10/04. Statutory Authority: RCW 70.168.060 and 70.168.070.

246-976-615 Designation standards for facilities providing level III trauma care service—Trauma care education. [Statutory Authority: Chapter 70.168 RCW. 98-04-038, § 246-976-615, filed 1/29/98, effective 3/1/98.] Repealed by 04-01-041, filed 12/10/03, effective 1/10/04. Statutory Authority: RCW 70.168.060 and 70.168.070.

246-976-640 Designation standards for facilities providing level IV trauma care services—Administration and organization. [Statutory Authority: Chapter 70.168 RCW. 98-04-038, § 246-976-640, filed 1/29/98, effective 3/1/98. Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-640, filed 12/23/92, effective 1/23/93.] Repealed by 04-01-041, filed 12/10/03, effective 1/10/04. Statutory Authority: RCW 70.168.060 and 70.168.070.

246-976-650 Designation standards for facilities providing level IV trauma care services—Basic resources and capabilities. [Statutory Authority: Chapter 70.168 RCW. 02-12-107, § 246-976-650, filed 6/5/02, effective 7/6/02; 98-19-107, § 246-976-650, filed 9/23/98, effective 10/24/98; 98-04-038, § 246-976-650, filed 1/29/98, effective 3/1/98; 93-20-063, § 246-976-650, filed 10/1/93, effective 11/1/93. Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-650, filed 12/23/92, effective

1/23/93.] Repealed by 04-01-041, filed 12/10/03, effective 1/10/04. Statutory Authority: RCW 70.168.060 and 70.168.070.

246-976-680 Designation standards for facilities providing level V trauma care services—Administration and organization. [Statutory Authority: Chapter 70.168 RCW. 98-04-038, § 246-976-680, filed 1/29/98, effective 3/1/98; 93-20-063, § 246-976-680, filed 10/1/93, effective 11/1/93. Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-680, filed 12/23/92, effective 1/23/93.] Repealed by 04-01-041, filed 12/10/03, effective 1/10/04. Statutory Authority: RCW 70.168.060 and 70.168.070.

246-976-690 Designation standards for facilities providing level V trauma care service—Basic resources and capabilities. [Statutory Authority: Chapter 70.168 RCW. 98-04-038, § 246-976-690, filed 1/29/98, effective 3/1/98. Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-690, filed 12/23/92, effective 1/23/93.] Repealed by 04-01-041, filed 12/10/03, effective 1/10/04. Statutory Authority: RCW 70.168.060 and 70.168.070.

246-976-720 Designation standards for facilities providing level I pediatric trauma care service—Administration and organization. [Statutory Authority: Chapter 70.168 RCW. 02-12-107, § 246-976-720, filed 6/5/02, effective 7/6/02; 98-19-107, § 246-976-720, filed 9/23/98, effective 10/24/98; 98-04-038, § 246-976-720, filed 1/29/98, effective 3/1/98; 93-20-063, § 246-976-720, filed 10/1/93, effective 11/1/93. Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-720, filed 12/23/92, effective 1/23/93.] Repealed by 04-01-041, filed 12/10/03, effective 1/10/04. Statutory Authority: RCW 70.168.060 and 70.168.070.

246-976-730 Designation standards for facilities providing level I pediatric trauma care services—Resources and capabilities. [Statutory Authority: Chapter 70.168 RCW. 02-12-107, § 246-976-730, filed 6/5/02, effective 7/6/02; 98-19-107, § 246-976-730, filed 9/23/98, effective 10/24/98; 98-04-038, § 246-976-730, filed 1/29/98, effective 3/1/98; 93-20-063, § 246-976-730, filed 10/1/93, effective 11/1/93. Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-730, filed 12/23/92, effective 1/23/93.] Repealed by 04-01-041, filed 12/10/03, effective 1/10/04. Statutory Authority: RCW 70.168.060 and 70.168.070.

246-976-740 Designation standards for facilities providing level I pediatric trauma care service—Outreach, public education, trauma care education, and research. [Statutory Authority: Chapter 70.168 RCW. 98-04-038, § 246-976-740, filed 1/29/98, effective 3/1/98. Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-740, filed 12/23/92, effective 1/23/93.] Repealed by 04-01-041, filed 12/10/03, effective 1/10/04. Statutory Authority: RCW 70.168.060 and 70.168.070.

246-976-770 Designation standards for facilities providing level II pediatric trauma care service—Administration and organization. [Statutory Authority: Chapter 70.168 RCW. 02-12-107, § 246-976-770, filed 6/5/02, effective 7/6/02; 98-19-107, § 246-976-770, filed 9/23/98, effective 10/24/98; 98-04-038, § 246-976-770, filed 1/29/98, effective 3/1/98; 93-20-063, § 246-976-770, filed 10/1/93, effective 11/1/93. Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-770, filed 12/23/92, effective 1/23/93.] Repealed by 04-01-041, filed 12/10/03, effective 1/10/04. Statutory Authority: RCW 70.168.060 and 70.168.070.

246-976-780 Designation standards for facilities providing level II pediatric trauma care service—Basic resources and capabilities. [Statutory Authority: Chapter 70.168 RCW. 02-12-107, § 246-976-780, filed 6/5/02, effective 7/6/02; 98-19-107, § 246-976-780, filed 9/23/98, effective 10/24/98; 98-04-038, § 246-976-780, filed 1/29/98, effective 3/1/98; 93-20-063, § 246-976-780, filed 10/1/93, effective 11/1/93. Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-780, filed 12/23/92, effective 1/23/93.] Repealed by 04-01-041, filed 12/10/03, effective 1/10/04. Statutory Authority: RCW 70.168.060 and 70.168.070.

246-976-790 Designation standards for facilities providing level II pediatric trauma care service—Outreach, public education, and trauma care education. [Statutory Authority: Chapter 70.168 RCW. 98-04-038, § 246-976-790, filed 1/29/98, effective 3/1/98; 93-20-063, § 246-976-790, filed 10/1/93, effective 11/1/93. Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-790, filed 12/23/92, effective 1/23/93.] Repealed by 04-01-041, filed 12/10/03, effective 1/10/04. Statutory Authority: RCW 70.168.060 and 70.168.070.

246-976-810 Designation standards for facilities providing level III pediatric trauma care service—Administration and organization. [Statutory Authority: Chapter 70.168 RCW. 02-12-107, § 246-976-810, filed 6/5/02, effective 7/6/02; 98-19-107, § 246-976-810, filed 9/23/98, effective 10/24/98; 98-04-038, § 246-976-810, filed 1/29/98, effective 3/1/98; 93-20-063, § 246-976-810, filed 10/1/93, effective 11/1/93. Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-810, filed 12/23/92, effective 1/23/93.] Repealed by 04-01-041, filed 12/10/03, effective 1/10/04. Statutory Authority: RCW 70.168.060 and 70.168.070.

246-976-820 Designation standards for facilities providing level III pediatric trauma care service—Basic resources and capabilities. [Statutory Authority: Chapter 70.168 RCW. 02-12-107, § 246-976-820, filed 6/5/02, effective 7/6/02; 98-19-107, § 246-976-820, filed 9/23/98, effective 10/24/98; 98-04-038, § 246-976-820, filed 1/29/98, effective 3/1/98; 93-20-063, § 246-976-820, filed 10/1/93, effective 11/1/93. Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-820, filed 12/23/92, effective 1/23/93.] Repealed by 04-01-041, filed 12/10/03, effective 1/10/04. Statutory Authority: RCW 70.168.060 and 70.168.070.

246-976-822 Designation standards for facilities providing level III pediatric trauma care service—Trauma care education. [Statutory Authority: Chapter 70.168 RCW. 98-04-038, § 246-976-822, filed 1/29/98, effective 3/1/98.] Repealed by 04-01-041, filed 12/10/03, effective 1/10/04. Statutory Authority: RCW 70.168.060 and 70.168.070.

WAC 246-976-021 Training course requirements. (1) **Department responsibilities:** The department will publish procedures for agencies to conduct EMS training courses, including:

(a) The registration process;

(b) Requirements, functions, and responsibilities of course instructional and administrative personnel;

(c) Necessary information and administrative forms to conduct the course;

(2) **Training agency responsibilities:**

(a) **General.** Agencies providing initial training of certified EMS personnel at all levels (except advanced first aid) must:

(i) Have MPD approval for the course content;

(ii) Have MPD approval for all instructional personnel, who must be experienced and qualified in the area of training;

(iii) Have local EMS/TC council recommendation for each course;

(iv) Have written approval from the department to conduct each course;

(v) Approve or deny applicants for training consistent with the prerequisites for applicants in WAC 246-976-041 and 246-976-141.

(b) **Basic life support** (first responder, EMT). Agencies providing initial training of basic life support personnel must

identify a senior EMS instructor to be responsible for the quality of instruction and the conduct of the course.

(c) **Intermediate life support** (IV, airway and ILS technicians). Agencies providing initial training of intermediate life support personnel must:

(i) Have a written agreement with the clinical facility, if it is separate from the academic facility;

(ii) Ensure that clinical facilities provide departments or sections, personnel, and policies, including:

(A) Written program approval from the administrator and chief of staff;

(B) A written agreement to participate in continuing education;

(C) Supervised clinical experience for students during the clinical portion of the program;

(D) An orientation program.

(d) **Paramedics.** Agencies training paramedics must be accredited by a national accrediting organization approved by the department.

(3) **Course curriculum.** The department recognizes the following National Standard EMS training courses published by the United States Department of Transportation as amended by the department:

(a) First responder: The first responder training course published 1996, amended by the department March 1998;

(b) EMT: The emergency medical technician—Basic training course published 1994, amended by the department September 1996;

(c) IV technician: Those sections and lessons identified in the emergency medical technician—Intermediate course published 1999, amended by the department April 2000;

(d) Airway technician: Those sections and lessons identified in the emergency medical technician—Intermediate course published 1999, amended by the department April 2000;

(e) ILS technician: Those sections and lessons identified in the emergency medical technician—Intermediate course published 1999, amended by the department April 2000 which includes the following medications:

(i) Epinephrine for anaphylaxis administered by a commercially preloaded measured-dose device;

(ii) Albuterol administered by inhalation;

(iii) Dextrose 50% and 25%;

(iv) Nitroglycerine, sublingual and/or spray;

(v) Naloxone;

(vi) Aspirin PO (oral), for suspected myocardial infarction;

(f) Paramedic: The emergency medical technician—Paramedic training course published 1999, as amended by the department January 2000.

(4) Initial training for first responders and EMTs must also include approved infectious disease training that meets the requirements of chapter 70.24 RCW.

(5) Specialized training. The department, in conjunction with the advice and assistance of the L&C committee, may approve specialized training for certified EMS personnel to use skills, techniques, or equipment that is not included in standard course curricula. Agencies providing specialized training must have MPD and department approval of:

(a) Course curriculum;

(b) Lesson plans;

(c) Course instructional personnel, who must be experienced and qualified in the area of training;

(d) Student selection criteria;

(e) Criteria for satisfactory completion of the course, including student evaluations and/or examinations;

(f) Prehospital patient care protocols that address the specialized skills.

(6) Local government agencies: The department recognizes county agencies established by ordinance and approved by the MPD to coordinate EMS training. These agencies must comply with the requirements of this section.

[Statutory Authority: RCW 18.71.205, 18.73.081, and 70.168.060. 03-20-107, § 246-976-021, filed 10/1/03, effective 11/1/03. Statutory Authority: Chapters 18.71, 18.73, and 70.168 RCW. 00-08-102, § 246-976-021, filed 4/5/00, effective 5/6/00.]

WAC 246-976-485 Designation of facilities to provide trauma care services. (1) The department designates trauma services as part of the comprehensive, statewide emergency medical services and trauma care system. This section and WAC 246-976-490 describe the designation process. WAC 246-976-530 through 246-976-890 identify standards for trauma services. The department uses a competitive process to select designated services, including:

(a) An application schedule. You will have at least ninety days to complete the application;

(b) A description of the documents you must submit to demonstrate that you meet the standards;

(c) An on-site review fee schedule. You must pay any required fees at least thirty days before an on-site review;

(d) The department's evaluation criteria; and

(e) The department's decision criteria.

(2) To apply for trauma service designation, you must:

(a) Send a notice of intent to the department by the time required in the application schedule;

(b) Submit a completed application by the time required in the application schedule. If you are applying for multiple designation, you must submit a separate application for each level and category of designation for which you are applying.

If you represent more than one facility applying for joint designation, you must submit a single application for each level and category. The department's evaluation of joint applications will use the same criteria as for a single facility designation. To be considered for joint designation, your joint trauma service must have:

(i) A single trauma service director;

(ii) A single multidisciplinary committee with representation from all participating facilities;

(iii) A single set of common policies and procedures;

(iv) A predetermined facility rotation schedule;

(v) A single, central trauma registry with a common methodology for abstraction and input of trauma data; and

(vi) A single, joint QI program in keeping with the goals of WAC 246-976-881 including joint peer review and joint systems review.

(c) Provide the department's on-site review team access to your facility, staff, and all documents concerning trauma care. This will include at least your standards of care, policy and procedures, patient care records, trauma quality assurance/improvement materials, and other relevant documents.

(3) The department must conduct an on-site review of your facility before you can be designated as level I, II or III trauma care service, or level I, II or III pediatric trauma care service. The department will use a multidisciplinary team to conduct this review.

(a) For level I and II services, the department will only choose members for the review team who live or work outside your state.

(b) For level III services, the department will only choose members for the review team who live or work outside your region.

(c) The department will provide you with the names of members of the review team. You should send any objections to the department within ten days of notification.

(d) The team will give an oral report of preliminary findings before leaving your facility.

(e) The department and the team will maintain confidentiality of information, records, and reports developed pursuant to on-site reviews in accordance with the provisions of RCW 70.41.200 and 70.168.070.

(f) The department will conduct an on-site review within eighteen months of designating a joint service, to confirm that you meet the requirements of this chapter. This requirement shall not be construed to limit the department's right to conduct an on-site review at any earlier or later time, or to limit its authority under WAC 246-976-490 to suspend or revoke designation for cause at any time prior to the on-site review of the jointly designated trauma care service.

(4) The department may conduct an on-site review of your facility if you applied for designation as a level IV or V trauma care service, as a level I-III trauma rehabilitation service, or as a level I-pediatric trauma rehabilitation service.

(5) After designation as a trauma service, you may ask the department to conduct an on-site survey for technical assistance. The department may require you to reimburse its costs for conducting the survey.

(6) The department will designate the health care facilities it considers most qualified to provide trauma care services. The decision to designate will be based on at least the following:

(a) Evaluation of all applications submitted;

(b) Recommendations from the on-site review team;

(c) Trauma patient outcomes during the previous designation period;

(d) The impact of designation on the effectiveness of the trauma care system;

(e) Expected patient volume of the area;

(f) The number, levels, and distribution of designated health care facilities established in the state and regional EMS/TC plans;

(g) Ability of each applicant to comply with goals of the state and regional EMS/TC plans; and

(h) Each applicant's compliance with its designation contract during the previous designation period.

(7) The department will notify you in writing of its designation decision. It will also provide you with a written report summarizing its review of your application, any on-site review findings, and any decisions:

(a) In regions where there is competition for designation, the department will send you the report within ninety days of announcing its decisions. There is competition for designation in any region where the number of applications for a level and type of designation is more than the maximum number of services identified in the state plan.

(b) In regions where there is no competition, the department will send you the report within ninety days of the on-site review for levels I - III or within thirty days of announcing its designation decision for levels IV and V.

(8) The department will notify regional EMS/TC councils of the name, location, and level of services that have been designated in their regions.

(9) The department will not approve your application if it finds that your facility:

(a) Is not the most qualified applicant, if there is competition for designation;

(b) Does not meet the requirements of this chapter for the level you applied for;

(c) Does not meet the requirements of the approved regional plan;

(d) Has made a false statement about a material fact in its application for designation; or

(e) Refuses to allow the department to inspect any part of your facility that relates to the delivery of trauma services, including records, documentation, or files.

(10) If the department denies an application for trauma service designation, the department will notify you in writing, including the reasons for its action and explaining your rights. You may appeal the department's decisions. Your appeal must follow the requirements of chapter 34.05 RCW and chapter 246-10 WAC. Send your appeal to the adjudicative clerk's office at the address indicated on the notice of decision.

(11) The department may:

(a) Consider applications from facilities located and licensed in adjacent states in the same manner as applications received from facilities located and licensed in Washington;

(b) Consider the administrative findings, conclusions and determination of an adjacent state to determine if you meet Washington standards. The department may request additional information. The department will base its decision on these considerations only if:

(i) There is no competition in the region for designation at the level/category you applied for; and

(ii) Your facility is located in an adjacent state that has an established trauma care system, with standards that meet or exceed Washington standards; and your facility is designated by your state to provide trauma service;

(c) Provisionally designate trauma services that are not able to meet all the requirements of this chapter, if this is necessary to ensure adequate trauma care in an area. The provisional designation will not be for more than two years;

(d) Consider additional applications without regard to the schedule, if this is needed to ensure adequate coverage according to the state plan.

(12) You and the department must agree to a contract to provide trauma services. The contract will include at least:

(a) Your authority to provide trauma services for a three-year period;

(b) Both the department's and your contractual and financial requirements and responsibilities;

(c) Allowance for the department to monitor your compliance with trauma service standards;

(d) Allowance for the department access to discharge summaries for trauma patients, patient care logs, trauma patient care records, hospital trauma care quality assurance/improvement materials, including minutes, and other relevant documents;

(e) A requirement for confidentiality of information relating to individual patient's, provider's, and facility's care outcomes.

(13) The department will notify all interested parties of the application process and schedule at least one hundred fifty days before the expiration of designation in each region.

[Statutory Authority: RCW 70.168.060 and 70.168.070. 04-01-041, § 246-976-485, filed 12/10/03, effective 1/10/04. Statutory Authority: Chapter 70.168 RCW. 98-04-038, § 246-976-485, filed 1/29/98, effective 3/1/98.]

WAC 246-976-500 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-510 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-520 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-530 Trauma service designation—Administration and organization.

	LEVELS				
A facility with a designated trauma service must have:	**I**	**II**	**III**	**IV**	**V**
(1) A written scope of trauma service for both adult and pediatric trauma patients consistent with chapter 246-976 WAC, community needs and the approved regional plan. The written scope of trauma service must delineate the resources and capabilities available for trauma patient care twenty-four hours every day;	X	X	X	X	X
(2) A trauma service director responsible for organization and direction of the trauma service. The director must be:	X	X	X	X	X
(a) A general surgeon with special competence in care of the injured. The director may delegate duties to another surgeon (or for level II & III another physician with special competence in care of the injured), but the director must maintain responsibility for the trauma service;	X	X	X		
(b) A general surgeon, or a physician with special competence in the care of the injured;				X	
(c) A physician, physician assistant, or advanced registered nurse practitioner;					X
(3) A trauma service coordinator responsible for ongoing coordination of the trauma service. The coordinator must be a registered nurse with special competence in the care of the injured (for level V clinics the coordinator is not required to be a registered nurse);	X	X	X	X	X
(4) A multidisciplinary trauma committee chaired by the trauma service director with membership that reflects your written scope of trauma service. The multidisciplinary committee must have responsibility and authority for establishing and changing trauma care policy and procedure and for conducting the trauma service quality improvement program in accordance with WAC 246-976-881;	X	X	X	X	X
(5) A full trauma team to provide initial evaluation, resuscitation and treatment. The full trauma team must include:	X	X	X	X	
(a) A general surgeon with special competence in care of the injured, who organizes and directs the team and assumes responsibility for coordination of overall care of the trauma patient. (For levels I and II - the surgeon must be at least a postgraduate year four resident);	X	X	X		
(b) A general surgeon if general surgery services are included in your written scope of trauma service or a physician who has specific delineation of surgical privileges by the medical staff for resuscitation, stabilization and treatment of trauma patients. The surgeon or physician with surgical privileges organizes and directs the team and assumes responsibility for coordination of overall care of the trauma patient;				X	
(c) An emergency physician who is responsible for providing team leadership and care for the trauma patient until the arrival of the general surgeon in the resuscitation area;	X	X	X		

A facility with a designated trauma service must have:	LEVELS I	II	III	IV	V
(d) An emergency physician or a physician with special competence in resuscitation, care and treatment of trauma patients who is responsible for providing team leadership and care for the trauma patient until the arrival of the general surgeon or physician with surgical privileges;				X	
(e) The trauma service must identify all other members of the team to reflect your written scope of trauma service;	X	X	X	X	
(6) A trauma team to provide initial evaluation, resuscitation and treatment. The team must include:					X
(a) A physician, physician assistant, or advanced registered nurse practitioner;					X
(b) The trauma service must identify all other members of the team to reflect your written scope of trauma service;					X
(7) A method and criteria for activating the trauma team consistent with WAC 246-976-870 and your written scope of trauma service;	X	X	X	X	X
(8) A written policy and procedures to divert patients to other designated trauma care services when the facility's resources are temporarily unavailable for trauma patient care. The policy must include:	X	X	X	X	
(a) The facility and/or patient criteria used to decide when to divert a trauma patient;	X	X	X	X	
(b) A process to coordinate trauma patient diversions with other area trauma services and prehospital agencies;	X	X	X	X	
(c) A method for documenting trauma patient diversions, including: Date, time, duration, reason, and decision maker;	X	X	X	X	
(9) Interfacility transfer guidelines and agreements consistent with your written scope of trauma service and consistent with WAC 246-976-890;	X	X	X	X	X
(10) A heli-stop, landing zone or airport located close enough to permit the facility to receive or transfer patients by fixed-wing or rotary-wing aircraft;	X	X	X		
(11) A plan addressing receipt and transfer of patient by fixed-wing and rotary-wing aircraft;				X	X
(12) Participation in the state trauma registry as required in WAC 246-976-430, with a person identified as responsible for coordination of trauma registry activities;	X	X	X	X	X
(13) A quality assurance program conducted by the multidisciplinary committee and consistent with WAC 246-976-881;	X	X	X	X	X
(14) Participation in the regional quality assurance program in accordance with WAC 246-976-910.	X	X	X	X	X

[Statutory Authority: RCW 70.168.060 and 70.168.070. 04-01-041, § 246-976-530, filed 12/10/03, effective 1/10/04.]

WAC 246-976-535 Trauma service designation—Basic resources and capabilities.

A facility with a designated trauma service must have:	LEVELS I	II	III	IV	V
(1) An emergency department, including:	X	X	X	X	
(a) An area designated for adult and pediatric resuscitation;	X	X	X	X	
(b) Written standards of care to ensure immediate and appropriate care for adult and pediatric trauma patients;	X	X	X	X	
(c) A physician director who:	X	X	X		
(i) Is board-certified in emergency medicine, surgery or other relevant specialty (or for level I, has documented experience as director of an emergency department which has been previously recognized as a level I trauma center either by a regional entity or as verified by the Committee on Trauma of the American College of Surgeons);	X	X	X		
(ii) Is ATLS and ACLS trained, except this requirement does not apply to a physician board-certified in emergency medicine or surgery;	X	X	X		
(iii) Has completed the pediatric education requirement (PER) as defined in WAC 246-976-886, except that this requirement does not apply to a physician board-certified in pediatric emergency medicine;	X	X	X		
(d) Physicians who:	X	X	X	X	

A facility with a designated trauma service must have:	LEVELS I	II	III	IV	V
(i) Are board-certified in emergency medicine, or board-certified in a specialty and practicing emergency medicine as their primary practice with special competence in care of trauma patients; (level I only - this requirement may be met by a surgical resident postgraduate year two who is ATLS and ACLS trained, has completed the PER as defined in WAC 246-976-886, and is working under the direct supervision of the attending emergency physician, until the arrival of the surgeon to assume leadership of the trauma team);	X	X			
(ii) Have special competence in resuscitation, care and treatment of trauma patients;	X	X	X	X	
(iii) Are available within five minutes of patient's arrival in the emergency department;	X	X	X		
(iv) Are on-call and available within twenty minutes of notification of patient arrival. A physician assistant or advanced registered nurse practitioner who is ACLS and ATLS trained and has completed the PER requirement, may initiate evaluation and treatment upon the patient's arrival in the emergency department until the arrival of the attending physician;				X	
(v) Are ATLS and ACLS trained, except this requirement does not apply to a physician board-certified in emergency medicine;	X	X	X	X	
(vi) Have completed the PER as defined in WAC 246-976-886, except this requirement does not apply to a physician board-certified in pediatric emergency medicine (or emergency medicine for level IV);	X	X	X	X	
(e) Registered nurses who:	X	X	X	X	
(i) Are in the emergency department and available within five minutes of patient's arrival;	X	X	X		
(ii) Are in-house and available within five minutes of notification of patient arrival;				X	
(iii) Are ACLS trained;	X	X	X	X	
(iv) Have completed the PER as defined in WAC 246-976-886;	X	X	X	X	
(v) Have successfully completed a trauma life support course as defined in WAC 246-976-885;	X	X	X	X	

A facility with a designated trauma service must have:	LEVELS I	II	III	IV	V
(2) Emergency care services available twenty-four hours every day with:					X
(a) An area designated for adult or pediatric resuscitation;					X
(b) Written standards of care to ensure immediate and appropriate care of adult and pediatric trauma patients;					X
(c) A physician, physician assistant, or advanced registered nurse practitioner, on-call and available within twenty minutes of notification of team activation, who has ATLS training, except the ATLS requirement does not apply to a physician board-certified in emergency medicine or board-certified in surgery;					X
(3) Equipment for resuscitation and life support of pediatric and adult trauma patients, including equipment described in WAC 246-976-620;	X	X	X	X	X
(4) Radiological services, with:	X	X	X	X	
(a) A radiologist on-call and available within twenty minutes of team leader's request;	X	X			
(b) A radiologist on-call and available within thirty minutes of team leader's request;			X		
(c) A technician able to perform routine radiological capabilities:	X	X	X	X	
(i) Available within five minutes of notification of team activation;	X	X			
(ii) On-call and available within twenty minutes of notification of team activation;			X	X	
(d) A technician able to perform computerized tomography:	X	X	X		
(i) Available within five minutes of team leader's request;	X				
(ii) On-call and available within twenty minutes of team leader's request;		X	X		
(e) A technician on-call and available within twenty minutes of team leader's request, able to perform the following:	X	X			
(i) Angiography of all types;	X	X			
(ii) Sonography;	X	X			
(5) Respiratory therapy available within five minutes of notification of team activation;	X	X			
(6) Respiratory therapy on-call and available within thirty minutes of notification of team activation;			X		

A facility with a designated trauma service must have:	LEVELS I	II	III	IV	V
(7) Clinical laboratory services, including:	X	X	X	X	
(a) A clinical laboratory technologist available within five minutes of notification of team activation;	X	X	X		
(b) A clinical laboratory technologist on-call and available within twenty minutes of notification of team activation;				X	
(c) Standard analysis of blood, urine, and other body fluids;	X	X	X	X	
(d) Coagulation studies;	X	X	X	X	
(e) Blood gases and pH determination;	X	X	X	X	
(f) Serum and urine osmolality;	X	X			
(g) Microbiology;	X	X	X		
(h) Serum alcohol determination;	X	X	X	X	
(i) Drug or toxicology screening;	X	X	X	X	
(8) Blood and blood-component services, including:	X	X	X	X	
(a) Blood and blood components available from in-house or through community services, to meet patient needs;	X	X	X	X	
(b) Noncrossmatched blood available on patient arrival in the emergency department;	X	X	X	X	
(c) Ability to obtain blood typing and crossmatching;	X	X	X	X	
(d) Policies and procedures for massive transfusion;	X	X	X	X	
(e) Autotransfusion;	X	X	X		
(f) Blood storage capability;	X	X	X	X	
(9) A surgery department, including:	X	X	X	X	
(a) General surgery services, with:	X	X	X		
(i) An attending, board-certified general surgeon available within five minutes of notification of team activation. A postgraduate year four or above surgical resident may initiate evaluation and treatment upon the patient's arrival in the emergency department until the arrival of the attending surgeon. In this case the attending surgeon must be available within twenty minutes of notification of team activation;	X				
(ii) An attending, board-certified general surgeon on-call and available within twenty minutes of notification of team activation. A postgraduate year four or above surgical resident may initiate evaluation and treatment upon the patient's arrival in the emergency department until the arrival of the attending surgeon. The attending surgeon must be available within twenty minutes upon notification of team activation;		X			
(iii) An attending general surgeon, on-call and available within thirty minutes of notification of team activation;			X		
(iv) All general surgeons (and surgical residents for level I and II) who are responsible for care and treatment of trauma patients must:	X	X	X		
(A) Be trained in ATLS and ACLS, except this requirement does not apply to a physician board-certified in surgery; and	X	X	X		
(B) Have completed the PER as defined in WAC 246-976-886; and	X	X	X		
(C) Have specific delineation of trauma surgery privileges by the medical staff;	X	X	X		
(b) Surgery services with a general surgeon or physician with specific delineation of surgical privileges by the medical staff for resuscitation, stabilization and treatment of trauma patients. The physician must be:				X	
(i) On-call and available within thirty minutes of notification of team activation;				X	
(ii) ATLS and ACLS trained, except this requirement does not apply to a physician board-certified in surgery;				X	
(c) Neurosurgical services with:	X	X			
(i) A neurosurgeon:	X	X			
(A) Available within five minutes of team leader's request. A postgraduate year four or above neurosurgery resident may initiate evaluation and treatment upon the patient's arrival in the emergency department until the arrival of the attending neurosurgeon. In this case the neurosurgeon must arrive within thirty minutes of team leader's request;	X				

A facility with a designated trauma service must have:	LEVELS I	II	III	IV	V
(B) On-call and available within thirty minutes of team leader's request;		X			
(ii) Ability to provide acute and ongoing care for acute head and spinal cord injuries;	X	X			
(d) Ability to resuscitate and stabilize acute head and/or spinal cord injuries;			X	X	
(e) A neurosurgeon on-call and available within thirty minutes of team leader's request **or** written transfer guidelines and agreements for head and spinal cord injuries;			X	X	
(f) The following surgical services on-call and available within thirty minutes as requested by the trauma team leader:	X	X	X		
(i) Cardiac surgery;	X				
(ii) Microsurgery;	X				
(iii) Obstetric surgery (or, for level III, a plan to manage the pregnant trauma patient);	X	X	X		
(iv) Orthopedic surgery;	X	X			
(v) Thoracic surgery;	X	X			
(vi) Urologic surgery;	X	X			
(vii) Vascular surgery.	X	X			
(g) The following surgical services on-call for patient consultation or management:	X	X	X		
(i) Gynecologic surgery;	X	X			
(ii) Ophthalmic surgery;	X	X			
(iii) Oral/maxillofacial or otorhinolaryngologic surgery;	X	X			
(iv) Plastic surgery;	X	X			
(v) Orthopedic surgery;			X		
(10) Anesthesiology, with an anesthesiologist (or certified registered nurse anesthetist for level III and IV) who:	X	X	X	X	
(a) Is available within five minutes of team leader's request;	X				
(b) Is on-call and available within twenty minutes of team leader's request;		X			
(c) Is on-call and available within thirty minutes of team leader's request;			X	X	
(d) Is ACLS trained, except this requirement does not apply to a physician board-certified in anesthesiology;	X	X	X	X	
(e) Has completed the pediatric education requirement (PER) as defined in WAC 246-976-886;	X	X	X		

A facility with a designated trauma service must have:	LEVELS I	II	III	IV	V
(11) An operating room and a registered nurse or designee responsible for opening and preparing the operating room, available within five minutes of notification of team activation, with:	X	X	X	X	
(a) Other essential personnel as identified by the trauma service on-call and available within twenty minutes of notification of team activation;	X	X			
(b) Other essential personnel as identified by the trauma service on-call and available within thirty minutes of notification of team activation;			X	X	
(c) A written policy providing for mobilization of additional surgical teams for trauma patients; and	X	X	X		
(d) Instruments and equipment appropriate for pediatric and adult surgery, including equipment described in WAC 246-976-620.	X	X	X	X	
(12) A postanesthetic recovery service with:	X	X	X	X	
(a) At least one registered nurse available twenty-four hours a day;	X				
(b) At least one registered nurse on-call and available twenty-four hours a day;		X	X	X	
(c) Nurses ACLS trained;	X	X	X	X	
(d) Nurses who have completed the PER as defined in WAC 246-976-886; and	X	X	X		
(13) A critical care service with:	X	X	X		
(a) A medical director who is:					
(i) Board-certified in surgery with special competence in critical care;	X				
(ii) Board-certified in surgery, internal medicine, or anesthesiology, with special competence in critical care;		X	X		
(iii) Responsible for coordinating with the attending staff for the care of trauma patients;	X	X	X		
(b) A physician directed code team;	X	X	X		
(c) Critical care registered nurses with special competence in trauma care, who:	X	X	X		
(i) Are ACLS trained; and	X	X	X		
(ii) Have successfully completed a trauma life support course as defined in WAC 246-976-885;	X	X	X		

A facility with a designated trauma service must have:	LEVELS I	II	III	IV	V
(d) Designation as a pediatric trauma service **or** written transfer guidelines and agreements for pediatric trauma patients requiring critical care services;	X	X	X		
(e) Equipment as described in WAC 246-976-620;	X	X	X		
(14) A critical care service which meets requirements for a level III trauma service, if critical care services are included in your written scope of trauma service, **or** written transfer guidelines and agreements for trauma patients requiring critical care services;				X	
(15) Acute dialysis capability, **or** written transfer agreements for dialysis services;	X	X	X	X	
(16) The following services on-call and available for patient consultation or management during the in-patient stay:	X	X	X		
(a) Cardiology;	X	X			
(b) Gastroenterology;	X	X			
(c) Hematology;	X	X			
(d) Infectious disease specialists;	X	X			
(e) Internal medicine;	X	X	X		
(f) Nephrology;	X	X			
(g) Neurology;	X	X			
(h) Pathology;	X	X	X		
(i) Pediatrics;	X	X			
(j) Pulmonology;	X	X			
(k) Psychiatry or care plan for trauma patients requiring psychiatric management;	X	X			
(17) Written policy and procedures for access to ancillary services for in-patient care, including:	X	X	X	X	
(a) Chemical dependency services;	X	X	X		
(b) Child and adult protection services;	X	X	X	X	
(c) Clergy or pastoral care;	X	X	X	X	
(d) Nutritionist services;	X	X	X	X	
(e) Pharmacy services, with pharmacist in-house;	X				
(f) Pharmacy services;		X	X	X	
(g) Occupational therapy services;	X	X	X		
(h) Physical therapy services;	X	X	X	X	
(i) Speech therapy services;	X	X	X		
(j) Social services;	X	X	X	X	
(k) Psychological services;	X	X	X		
(18) Ability to resuscitate and stabilize burn patients;	X	X	X	X	X
(19) A physician directed burn unit staffed by nursing personnel trained in burn care and equipped to care for extensively burned patients; **or** written transfer guidelines and agreements in accordance with the guidelines of the American Burn Association;	X	X	X	X	X
(20) A trauma rehabilitation coordinator to facilitate the trauma patient's access to rehabilitation services;	X	X	X		
(21) A designated trauma rehabilitation service; or written agreements to transfer patients to a designated trauma rehabilitation service when medically feasible.	X	X	X		

[Statutory Authority: RCW 70.168.060 and 70.168.070. 04-01-041, § 246-976-535, filed 12/10/03, effective 1/10/04.]

WAC 246-976-540 Trauma service designation—Outreach, public education, provider education, and research.

A facility with a designated trauma service must have:	LEVELS I	II	III	IV	V
(1) An outreach program with telephone and on-site consultations with physicians of the community and outlying areas regarding trauma care;	X	X			
(2) A public education program addressing injury prevention or documentation of participation in regional injury prevention activities;	X	X	X		
(3) Training, including:	X				
(a) A formal program of continuing trauma care education for:	X	X			
(i) Staff physicians;	X	X			
(ii) Nurses;	X	X			
(iii) Allied health care professionals;	X	X			
(iv) Community physicians;	X	X			
(v) Prehospital personnel;	X	X			
(b) Residency programs accredited by the accreditation council of graduate medical education, with a commitment to training physicians in trauma management;	X				
(c) Make the facility available for initial and maintenance training of invasive manipulative skills for prehospital personnel;	X	X	X	X	
(4) A trauma research program.	X				

[Statutory Authority: RCW 70.168.060 and 70.168.070. 04-01-041, § 246-976-540, filed 12/10/03, effective 1/10/04.]

WAC 246-976-550 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-560 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-570 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-600 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-610 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-615 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-620 Equipment standards for trauma service designation.

	LEVELS							
A facility with a designated trauma service must:	**I**	**IP**	**II**	**IIP**	**III**	**IIIP**	**IV**	**V**
(1) Have the following equipment, both adult and pediatric sizes in the emergency department (or resuscitation area for level V):								
(a) Airway control and ventilation equipment, including:								
(i) Airways;	X	X	X	X	X	X	X	X
(ii) Laryngoscopes, including curved and straight blades;	X	X	X	X	X	X	X	X
(iii) Endotracheal tubes, with stylets available;	X	X	X	X	X	X	X	X
(iv) Bag-valve-mask resuscitator;	X	X	X	X	X	X	X	X
(v) Pulse oximeter;	X	X	X	X	X	X	X	X
(vi) CO_2 measurement;	X	X	X	X	X	X	X	X
(vii) Sources of oxygen;	X	X	X	X	X	X	X	X
(viii) Ability to provide mechanical ventilation;	X	X	X	X	X	X		
(b) Suction devices, including:	X	X	X	X	X	X		
(i) Back-up suction source;	X	X	X	X	X	X	X	X
(ii) Suction catheters;	X	X	X	X	X	X	X	X
(iii) Tonsil tip suction (except level V clinics);	X	X	X	X	X	X	X	X
(c) Cardiac devices, including:								
(i) Cardiac monitor;	X	X	X	X	X	X	X	X
(ii) Defibrillator;	X	X	X	X	X	X	X	X
(iii) Electrocardiograph;	X	X	X	X	X	X	X	X
(iv) Portable cardiac monitor;	X	X	X	X	X	X	X	X
(v) Blood pressure cuffs;	X	X	X	X	X	X	X	X
(vi) Doppler device;	X	X	X	X	X	X	X	
(d) Intravenous supplies, including:								
(i) Standard intravenous fluids and administering devices, including:	X	X	X	X	X	X	X	X
(A) IV access devices;	X	X	X	X	X	X	X	X
(B) Intraosseous needles;	X	X	X	X	X	X	X	X
(C) Infusion control device;	X	X	X	X	X	X	X	X
(ii) Drugs and supplies necessary for adult and pediatric emergency care;	X	X	X	X	X	X	X	X
(e) Sterile surgical sets for standard emergency department procedures, including:								
(i) Thoracotomy set;	X	X	X	X	X	X	X	
(ii) Chest tubes with closed drainage devices (except level V clinics);	X	X	X	X	X	X	X	X
(iii) Emergency transcutaneous airway set (except level V clinics);	X	X	X	X	X	X	X	X
(iv) Peritoneal lavage set;	X	X	X	X	X	X		
(f) Nasogastric tubes (except level V clinics);	X	X	X	X	X	X	X	X
(g) Ability to provide thermal control equipment, including:								
(i) Patient warming capability (except level V clinics);	X	X	X	X	X	X	X	X
(ii) Blood and fluid warming capability (except level V clinics);	X	X	X	X	X	X	X	X
(iii) Expanded scale thermometer capable of detecting hypothermia (except level V clinics);	X	X	X	X	X	X	X	X
(h) Immobilization devices, including:								

	LEVELS							
A facility with a designated trauma service must:	**I**	**IP**	**II**	**IIP**	**III**	**IIIP**	**IV**	**V**
(i) Cervical injury immobilization devices;	X	X	X	X	X	X	X	X
(ii) Long-bone immobilization devices, including traction splints; and	X	X	X	X	X	X	X	X
(iii) Backboard;	X	X	X	X	X	X	X	X
(i) Other equipment:								
(i) Urinary bladder catheters (except level V clinics);	X	X	X	X	X	X	X	X
(ii) Infant scale for accurate weight measurement under twenty-five pounds;	X	X	X	X	X	X	X	X
(iii) Medication chart, tape, or other system to assure ready access to information on proper doses-per-kilogram for resuscitation drugs and equipment sizes for pediatric patients;	X	X	X	X	X	X	X	X
(iv) Two-way radio linked with EMS/TC vehicles;	X	X	X	X	X	X	X	X
(2) Have the following equipment, both adult and pediatric sizes, in the surgery department:								
(a) Cardiopulmonary bypass;	X	X						
(b) Ability to provide thermal control equipment for:								
(i) Patient warming and cooling;	X	X	X	X	X	X	X	
(ii) Blood and fluid warming;	X	X	X	X	X	X	X	
(c) Rapid infusion capability;	X	X	X	X	X	X	X	
(d) Autologous blood recovery and transfusion;	X	X	X	X	X	X		
(e) Ability to provide bronchoscopic capability in the operating room;	X	X	X	X	X	X		
(f) Ability to provide endoscopes;	X	X	X	X	X	X	X	
(g) Craniotomy set;	X	X	X	X				
(3) Have the following equipment, both adult and pediatric sizes, in the critical care unit:								
NOTE for level III pediatric: If your written scope of trauma service includes critical care services, then your service must meet the level II pediatric critical care equipment standards.						X		
NOTE for level IV: If your written scope of trauma service includes critical care services, then your service must meet the level III critical care equipment standards;							X	
(a) Airway control and ventilation devices, including:								
(i) Oral and nasopharyngeal airways;	X	X	X	X	X			
(ii) Laryngoscopes with curved and straight blades;	X	X	X	X	X			
(iii) Endotracheal tubes with stylets available;	X	X	X	X	X			
(iv) Bag-valve-mask resuscitators;	X	X	X	X	X			
(v) Ability to provide mechanical ventilator;	X	X	X	X	X			
(vi) Noninvasive oximetry and capnometry;	X	X	X	X	X			
(vii) Oxygen source with concentration controls;	X	X	X	X	X			
(b) Suction devices, including:								
(i) Suction machine;	X	X	X	X	X			
(ii) Suction catheters;	X	X	X	X	X			
(iii) Tonsil tip suction;	X	X	X	X	X			
(c) Cardiac devices, including:								
(i) Cardiac pacing capabilities;	X	X	X	X	X			
(ii) Electrocardiograph;	X	X	X	X	X			
(iii) Cardiac monitor with at least two pressure monitoring modules including cardiac output and hard copy recording and with capability to continuously monitor heart rate, respiratory rate, temperature;	X	X	X	X	X			
(iv) Defibrillator;	X	X	X	X	X			
(v) Portable transport monitor with ECG and pressure monitoring capability;	X	X	X	X	X			
(vi) Blood pressure cuffs;	X	X	X	X	X			
(vii) Doppler device;	X	X	X	X	X			
(viii) Noninvasive blood pressure machine;	X	X	X	X	X			
(d) Intravenous supplies, including:								

	LEVELS							
A facility with a designated trauma service must:	**I**	**IP**	**II**	**IIP**	**III**	**IIIP**	**IV**	**V**
(i) Standard IV fluids and administration devices appropriate for pediatric patients including:	X	X	X	X	X			
(A) IV catheters;	X	X	X	X	X			
(B) Intraosseous needles;	X	X	X	X	X			
(C) Infusion sets and pumps with micro-infusion capabilities;	X	X	X	X	X			
(D) Infusion controllers;	X	X	X	X	X			
(ii) Adult and pediatric dosages/dilutions of medications;	X	X	X	X	X			
(e) Sterile surgical sets, including:	X	X	X	X	X			
(i) Thoracotomy set;	X	X	X	X	X			
(ii) Chest tubes;	X	X	X	X	X			
(iii) Emergency surgical airway sets;	X	X	X	X	X			
(iv) Peritoneal lavage set;	X	X	X	X	X			
(f) Intracranial pressure monitoring devices;	X	X	X	X				
(g) Gastric supplies, including NG tubes;	X	X	X	X	X			
(h) Ability to provide thermal control equipment, including:								
(i) Patient warming and cooling devices;	X	X	X	X	X			
(ii) Blood and fluid warming device;	X	X	X	X	X			
(iii) Expanded scale thermometer capable of detecting hypothermia;	X	X	X	X	X			
(iv) Device for assuring warmth during transport;	X	X	X	X	X			
(i) Other equipment, including:								
(i) Ability to provide patient weighing devices;	X	X	X	X	X			
(ii) Cardiac emergency cart.	X	X	X	X	X			

[Statutory Authority: RCW 70.168.060 and 70.168.070. 04-01-041, § 246-976-620, filed 12/10/03, effective 1/10/04. Statutory Authority: Chapter 70.168 RCW. 98-04-038, § 246-976-620, filed 1/29/98, effective 3/1/98.]

WAC 246-976-640 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-650 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-680 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-690 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-720 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-730 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-740 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-750 Pediatric trauma service designation—Administration and organization.

	LEVELS		
A facility with a designated pediatric trauma care service must have:	**I**	**II**	**III**
(1) A written scope of trauma service for pediatric trauma patients consistent with chapter 246-976 WAC, community needs and the approved regional plan. The written scope of trauma service must delineate the resources and capabilities available for pediatric trauma patient care twenty-four hours every day;	X	X	X
(2) A trauma service director responsible for organization and direction of the trauma service. The director must be a general surgeon with special competence in care of the injured child. The director may delegate duties to another physician with special competence in care of the injured child, but the director must maintain responsibility for the trauma service;	X	X	X
(3) A trauma service coordinator responsible for ongoing coordination of the trauma service. The coordinator must be a registered nurse with special competence in the care of the injured child;	X	X	X

	LEVELS		
A facility with a designated pediatric trauma care service must have:	**I**	**II**	**III**
(4) A multidisciplinary trauma committee chaired by the trauma service director with membership that reflects your written scope of pediatric trauma service. The multidisciplinary trauma committee must have responsibility and authority for establishing and changing trauma care policy and procedure and for conducting the trauma service quality improvement program in accordance with WAC 246-976-881;	X	X	X
(5) A full trauma team to provide initial evaluation, resuscitation and treatment. The full trauma team must include:	X	X	X
(a) A board-certified pediatric surgeon or general surgeon with special competence in care of the injured child, who organizes and directs the team and assumes responsibility for coordination of overall care of the trauma patient (for level I the surgeon must be at least a postgraduate year four resident);	X	X	X
(b) An emergency physician with special competence in pediatric care who is responsible for providing team leadership and care for the trauma patient until the arrival of the general surgeon in the resuscitation area;	X	X	X
(c) A board-certified pediatric physician. This requirement is met if a pediatric intensivist or a pediatric emergency physician or a pediatrician responds to the full trauma team activation (for level I the pediatric physician must be a least a postgraduate year two resident). This requirement is also met if the surgeon responder is a board-certified pediatric surgeon. The pediatric board-certified physician must be:	X	X	X
(i) Available within five minutes of team leader's request;	X		
(ii) On-call and available within twenty minutes of team leader's request;		X	
(iii) On-call and available within thirty minutes of team leader's request;			X
(d) The trauma service must identify all other members of the team to reflect your written scope of pediatric trauma service;	X	X	X
(6) A method for activating the trauma team as described is consistent with WAC 246-976-870;	X	X	X
(7) A written policy and procedures to divert patients to other designated trauma care services when the facility's resources are temporarily unavailable for trauma patient care. The policy must include:	X	X	X
(a) The facility and/or patient criteria used to decide when to divert a trauma patient;	X	X	X
(b) A process to coordinate trauma patient diversions with other area trauma services and prehospital agencies;	X	X	X
(c) A method for documenting trauma patient diversions including: Date, time, duration, reason, and decision maker;	X	X	X
(8) Interfacility transfer guidelines and agreements consistent with your written scope of trauma service and consistent with WAC 246-976-890;	X	X	X
(9) A heli-stop, landing zone, or airport located close enough to permit the facility to receive or transfer patients by fixed-wing or rotary-wing aircraft;	X	X	X
(10) Participation in the state trauma registry as required in WAC 246-976-430, with a person identified as responsible for coordination of trauma registry activities;	X	X	X
(11) A quality assurance program conducted by the multidisciplinary committee with special focus of pediatric patient care and consistent with WAC 246-976-881;	X	X	X
(12) Participation in the regional quality assurance program consistent with WAC 246-976-910.	X	X	X

[Statutory Authority: RCW 70.168.060 and 70.168.070. 04-01-041, § 246-976-750, filed 12/10/03, effective 1/10/04.]

WAC 246-976-755 Pediatric trauma service designation—Basic resources and capabilities.

	LEVELS		
A facility with a designated pediatric trauma service must have:	**I**	**II**	**III**
(1) An emergency department, including:	X	X	X
(a) An area designated for pediatric resuscitation;	X	X	X
(b) Written standards of care to ensure immediate and appropriate care for pediatric trauma patients;	X	X	X
(c) A physician director who:	X	X	X
(i) Is board-certified in emergency medicine, pediatric emergency medicine, surgery or other relevant specialty (or for level I, has documented experience as director of an emergency department which has been previously recognized as a level I trauma center either by a regional entity or as verified by the Committee on Trauma of the American College of Surgeons);	X	X	X
(ii) Is ATLS and ACLS trained, except this requirement does not apply to a physician board-certified in emergency medicine, pediatric emergency medicine or surgery; and	X	X	X
(iii) Has completed the pediatric education requirement (PER) as defined in WAC 246-976-887, except that this requirement does not apply to a physician board-certified in pediatric emergency medicine;	X	X	X
(d) Physicians who:	X	X	X

A facility with a designated pediatric trauma service must have:	LEVELS I	II	III
(i) Are board-certified in emergency medicine, or pediatric emergency medicine, or board-certified in a specialty and practicing emergency medicine as their primary practice with special competence in care of pediatric trauma patients; (level I only - this requirement may be met by a surgical resident postgraduate year two who is ATLS and ACLS trained, has completed the PER as defined in WAC 246-976-887, and is working under the direct supervision of the attending emergency physician, until the arrival of the surgeon to assume leadership of the trauma team);	X	X	
(ii) Have special competence in resuscitation, care and treatment of pediatric trauma patients;			X
(iii) Are available within five minutes of patient's arrival in the emergency department;	X	X	X
(iv) Are ATLS and ACLS trained, except this requirement does not apply to a physician board-certified in emergency medicine or pediatric emergency medicine;	X	X	X
(v) Have completed the PER as defined in WAC 246-976-887, except this requirement does not apply to a physician board-certified in pediatric emergency medicine;	X	X	X
(e) Registered nurses who:	X	X	X
(i) Are in the emergency department and available within five minutes of patient's arrival in the emergency department;	X	X	X
(ii) Have completed the PER as defined in WAC 246-976-887;	X	X	X
(iii) Have successfully completed a trauma life support course as defined in WAC 246-976-885;	X	X	X
(f) Equipment for resuscitation and life support of pediatric trauma patients, including equipment described in WAC 246-976-620;	X	X	X
(2) Radiological services, with:	X	X	X
(a) A radiologist on-call to interpret images within twenty minutes of notification of team activation;	X	X	
(b) A radiologist on-call to interpret images within thirty minutes of notification of team activation;			X
(c) A technician able to perform routine radiological capabilities available within:			
(i) Five minutes of notification of team activation;	X	X	
(ii) Twenty minutes of notification of team activation;			X
(d) A technician able to perform computerized tomography and available within:			
(i) Five minutes of team leader's request;	X		
(ii) Twenty minutes of team leader's request;		X	X

A facility with a designated pediatric trauma service must have:	LEVELS I	II	III
(e) A technician on-call and available within twenty minutes of team leader's request, able to perform the following:			
(i) Angiography of all types;	X	X	
(ii) Sonography;	X	X	
(3) Respiratory therapy available within five minutes of notification of team activation;	X	X	X
(4) Clinical laboratory services, including:	X	X	X
(a) A clinical laboratory technologist available within five minutes of notification of team activation;	X	X	X
(b) Standard analysis of blood, urine, and other body fluids;	X	X	X
(c) Coagulation studies;	X	X	X
(d) Blood gases and pH determination;	X	X	X
(e) Serum and urine osmolality;	X	X	
(f) Microbiology;	X	X	X
(g) Serum alcohol determination;	X	X	X
(h) Drug or toxicology screening;	X	X	X
(5) Blood and blood-component services, including:	X	X	X
(a) Blood and blood components available from in-house or through community services, to meet patient needs;	X	X	X
(b) Noncrossmatched blood available on patient arrival in the emergency department;	X	X	X
(c) Ability to obtain blood typing and crossmatching;	X	X	X
(d) Policies and procedures for massive transfusion;	X	X	X
(e) Autotransfusion; and	X	X	X
(f) Blood storage capability;	X	X	X
(6) A surgery department, including:	X	X	X
(a) General surgery services, with:	X	X	X
(i) An attending, board-certified pediatric surgeon or board-certified general surgeon with special competence in pediatric care who is available within five minutes of notification of team activation. A postgraduate year four or above surgical resident may initiate evaluation and treatment upon the patient's arrival in the emergency department until the arrival of the attending surgeon. In this case the attending surgeon must be available within twenty minutes of notification of team activation;	X		
(ii) An attending, board-certified pediatric surgeon, or board-certified general surgeon with special competence in pediatric care, who is on-call and available within twenty minutes of notification of team activation;		X	
(iii) An attending general surgeon, with competence in pediatric care, on-call and available within thirty minutes of notification of team activation;			X

A facility with a designated pediatric trauma service must have:	LEVELS I	II	III
(iv) All general surgeons (and surgical residents for level I) who are responsible for care and treatment of trauma patients must:	X	X	X
(A) Be trained in ATLS, except this requirement does not apply to a physician board-certified in surgery or pediatric surgery;	X	X	X
(B) Have completed the PER as defined in WAC 246-976-887;	X	X	X
(C) Have specific delineation of trauma surgery privileges by the medical staff;	X	X	X
(b) Neurosurgical services with:	X		
(i) A neurosurgeon:	X		
(A) Available within five minutes of team leader's request. A postgraduate year four or above neurosurgery resident may initiate evaluation and treatment upon the patient's arrival in the emergency department until arrival of the attending neurosurgeon. In this case the neurosurgeon must arrive within thirty minutes of team leader's request;	X		
(B) On-call and available within thirty minutes of team leader's request;		X	
(ii) Ability to provide acute and ongoing care for acute head and spinal cord injuries;	X	X	
(c) Ability to resuscitate and stabilize acute head and spinal cord injuries;			X
(d) A neurosurgeon on-call and available within thirty minutes of team leader's request; **or** written transfer guidelines and agreements for head and spinal cord injuries;			X
(e) The following surgical services on-call and available within thirty minutes as requested by the trauma team leader:			
(i) Cardiac surgery;	X		
(ii) Microsurgery;	X		
(iii) Obstetric surgery (or for level III, a plan to manage the pregnant trauma patient);	X	X	X
(iv) Orthopedic surgery;	X	X	
(v) Pediatric surgery;	X	X	
(vi) Thoracic surgery;	X	X	
(vii) Urologic surgery; and	X	X	
(viii) Vascular surgery;	X	X	
(f) The following surgical services on-call for patient consultation or management:	X	X	X
(i) Gynecologic surgery;	X	X	
(ii) Ophthalmic surgery;	X	X	
(iii) Oral/maxillofacial or otorhinolaryngologic surgery;	X	X	
(iv) Plastic surgery;	X	X	
(v) Orthopedic surgery;			X
(7) Anesthesiology, with an anesthesiologist (or a certified registered nurse anesthetist for level III) who:	X	X	X
(a) Is available within five minutes of team leader's request;	X		
(b) Is available within twenty minutes of team leader's request;		X	
(c) Is available within thirty minutes of team leader's request;			X
(d) Is ACLS trained, except this requirement does not apply to a physician board-certified in anesthesiology;	X	X	X
(e) Has completed the pediatric education requirement (PER) as defined in WAC 246-976-887;	X	X	X
(8) An operating room and a registered nurse or designee responsible for opening and preparing the operating room, available within five minutes of notification of team activation, with:	X	X	X
(a) Other essential personnel as identified by the trauma service on-call and available within twenty minutes of notification of team activation;	X	X	
(b) Other essential personnel as identified by the trauma service on-call and available within thirty minutes of notification of team activation;			X
(c) A written policy providing for mobilization of additional surgical teams for trauma patients; and	X	X	X
(d) Instruments and equipment appropriate for pediatric surgery, including equipment described in WAC 246-976-620;	X	X	X
(9) A postanesthetic recovery service with:			
(a) At least one registered nurse available twenty-four hours a day;	X		
(b) At least one registered nurse on-call and available twenty-four hours a day;		X	X
(c) Nurses ACLS trained;	X	X	X
(d) Nurses who have completed the PER as defined in WAC 246-976-887;	X	X	X
(10) A pediatric critical care service with:	X	X	
(a) A medical director who is board-certified in pediatrics, with sub-board certification in critical care and who is responsible for coordinating with the attending staff for the care of pediatric trauma patients;	X	X	
(b) Patient isolation capacity;	X	X	
(c) A physician directed code team;	X	X	
(d) Pediatric critical care registered nurses, who have special competence in pediatric trauma care and who have completed the PER as defined in WAC 246-976-887;	X	X	
(e) Equipment as described in WAC 246-976-620;	X	X	

A facility with a designated pediatric trauma service must have:	LEVELS I	II	III
(11) A pediatric critical care service which meets requirements for a level II pediatric critical care service if critical care services are included in your written scope of trauma service (except the medical director must be board-certified in pediatrics or another relevant specialty with special competence in pediatric critical care), **or** written transfer guidelines and agreements for pediatric trauma patients requiring critical care services;			X
(12) Acute dialysis capability, or written transfer agreements for dialysis services;	X	X	X
(13) The following services on-call and available for pediatric patient consultation or management during the in-patient stay:	X	X	X
(a) Cardiology;	X	X	
(b) Gastroenterology;	X	X	
(c) General pediatrics;	X	X	X
(d) Hematology;	X	X	
(e) Infectious disease specialists;	X	X	
(f) Nephrology;	X	X	
(g) Pediatric neurology;	X	X	
(h) Pathology;	X	X	X
(i) Pulmonology; and	X	X	
(j) Psychiatry or a plan for management of the psychiatric trauma patient;	X	X	
(14) Written policy and procedures for access to ancillary services, specific for in-patient care of pediatric patients, including:	X	X	X
(a) Chemical dependency services;	X	X	X
(b) Child and adult protection services;	X	X	X
(c) Clergy or pastoral care;	X	X	X
(d) Nutritionist services;	X	X	X
(e) Pharmacy services, with pharmacist in-house;	X		
(f) Pharmacy services;		X	X
(g) Occupational therapy services;	X	X	X
(h) Pediatric therapeutic recreation/child life specialist;	X	X	
(i) Physical therapy services;	X	X	X
(j) Speech therapy services;	X	X	X
(k) Social services;	X	X	X
(l) Psychological services;	X	X	X
(15) Ability to resuscitate and stabilize burn patients;	X	X	X
(16) A physician-directed burn unit staffed by nursing personnel trained in burn care and equipped to care for extensively burned patients; **or** written transfer guidelines and agreements in accordance with the guidelines of the American Burn Association;	X	X	X
(17) A trauma rehabilitation coordinator to facilitate the pediatric trauma patient's access to pediatric rehabilitation services;	X	X	X
(18) A designated pediatric trauma rehabilitation service; or written agreements to transfer patients to a designated trauma rehabilitation service when medically feasible.	X	X	X

[Statutory Authority: RCW 70.168.060 and 70.168.070. 04-01-041, § 246-976-755, filed 12/10/03, effective 1/10/04.]

WAC 246-976-760 Pediatric trauma service designation—Outreach, public education, provider education, and research.

A facility with a designated pediatric trauma service must have:	LEVELS I	II	III
(1) An outreach program with telephone and on-site consultations with physicians of the community and outlying areas regarding pediatric trauma care;	X	X	
(2) A public education program addressing injury prevention or documentation of participation in regional injury prevention activities;	X	X	X
(3) Training, including:	X		
(a) A formal program of continuing trauma care education for:	X	X	
(i) Staff physicians;	X	X	
(ii) Nurses;	X	X	
(iii) Allied health care professionals;	X	X	
(iv) Community physicians; and	X	X	
(v) Prehospital personnel;	X	X	
(b) Residency programs accredited by the accreditation council of graduate medical education, with a commitment to training physicians in trauma management;	X		
(c) Make the facility available for initial and maintenance training of invasive manipulative skills for prehospital personnel;	X	X	X
(4) A trauma research program.	X		

[Statutory Authority: RCW 70.168.060 and 70.168.070. 04-01-041, § 246-976-760, filed 12/10/03, effective 1/10/04.]

WAC 246-976-770 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-780 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-790 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-810 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-820 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-822 Repealed. See Disposition Table at beginning of this chapter.

WAC 246-976-870 Trauma team activation. (1) The purpose of trauma team activation is to assure all personnel and resources necessary for optimal care of the trauma patient are available when the patient arrives in the emergency department. To assure optimal patient care:

(a) Patient status must be reported from the field by prehospital providers to the emergency department in the receiving trauma service;

(i) It is the responsibility of the prehospital providers to record all relevant information and report it to the receiving trauma service;

(ii) It is the responsibility of the receiving trauma service to request any relevant information that is not volunteered by the prehospital providers.

(b) The trauma service must use the prehospital information to determine activation of a trauma team and/or resources appropriate for the care of the patient.

(c) The presence of the general surgeon, when included in your written scope of trauma service, is necessary to direct resuscitation, to exercise professional judgment that immediate surgery is not indicated, as well as to perform surgery when it is indicated, and to direct patient transfer if necessary.

(2) A facility designated to provide trauma services must adopt and use a method for activating its full trauma team. The method must:

(a) Be based on patient information obtained from prehospital providers and other sources appropriate to the circumstances;

(b) Include mandatory presence of the general surgeon for levels I - III and for level IV if general surgery services are included in your written scope of trauma service (the surgeon must be at least a postgraduate year four for level I and II);

(c) Specify patient criteria for determining mandatory activation of the full trauma team;

(d) Be applied regardless of time postinjury or previous care, whether delivered by EMS or other means, and whether transferred from the scene or from another hospital;

(e) The method for activation of the full trauma team may include response by a neurosurgeon instead of a general surgeon when, based on prehospital information, the mechanism of injury clearly indicates isolated penetrating trauma to the brain;

(f) The trauma service must adopt a trauma quality improvement audit filter to monitor the appropriateness of and compliance with your full trauma team activation criteria.

(3) A facility designated to provide trauma services may adopt and use a method for activating a modified trauma team. The method must:

(a) Specify patient criteria for determining activation of the modified trauma team;

(b) Include a mechanism to upgrade the level of trauma team response to full based on newly acquired information;

(c) The trauma service must adopt a trauma quality improvement audit filter to monitor the appropriateness of and compliance with your modified trauma team activation criteria.

[Statutory Authority: RCW 70.168.060 and 70.168.070. 04-01-041, § 246-976-870, filed 12/10/03, effective 1/10/04. Statutory Authority: Chapter 70.168 RCW. 98-04-038, § 246-976-870, filed 1/29/98, effective 3/1/98.]

WAC 246-976-881 Trauma quality improvement programs for designated trauma care services. (1) All designated levels I - V and pediatric levels I - III trauma services must have a quality assessment and improvement program conducted by the multidisciplinary trauma committee that reflects and demonstrates a process for continuous quality improvement consistent with your written scope of trauma service, with:

(a) An organizational structure that facilitates the process of quality assurance and improvement and identifies the authority to change policies, procedures, and protocols that address the care of the trauma patient;

(b) Developments of standards of quality care;

(c) A process for monitoring compliance with or adherence to the standards;

(d) A process of peer review to evaluate specific cases or problems identified by the monitoring process;

(e) A process for correcting problems or deficiencies;

(f) A process to analyze and evaluate the effect of corrective action;

(g) A process to insure that confidentiality of patient and provider information is maintained according to the standards of RCW 70.41.200 and 70.168.090.

(2) Designated levels I and II trauma rehabilitation services and level I pediatric trauma rehabilitation services shall have a quality assessment and improvement program that reflects and demonstrates a process for continuous quality improvement in the delivery of trauma care, with:

(a) An organizational structure and plan that facilitates the process of quality assurance and improvement and identified the authority to change policies, procedures, and protocols that address the care of the major trauma patient;

(b) Participation of members of the multidisciplinary trauma rehabilitation team, including involvement of the trauma rehabilitation coordinator of the referring acute trauma care service;

(c) Development of outcome standards;

(d) A process for monitoring compliance with or adherence to the outcome standards;

(e) A process of internal peer review to evaluate specific cases or problems identified by the outcome monitoring process;

(f) A process for implementing corrective action to address problems or deficiencies;

(g) A process to analyze and evaluate the effect of corrective action;

(h) A process to insure that confidentiality of patient and provider information is maintained according to the standards of RCW 70.41.200 and 70.168.090.

(3) A designated level III trauma rehabilitation service shall have an organized trauma rehabilitation quality assessment and improvement program that reflects and demon-

strates a process for continuous quality improvement in the delivery of trauma care, with:

(a) A special audit process for rehabilitation trauma patients to identify the trauma rehabilitation outcome standards and indicators which monitor this program;

(b) A multidisciplinary team, to include the physician identified as responsible for coordination of rehabilitation trauma activities;

(c) A process to insure that confidentiality of patient and provider information is maintained according to the standards of RCW 70.41.200 and 70.168.090.

[Statutory Authority: RCW 70.168.060 and 70.168.070. 04-01-041, § 246-976-881, filed 12/10/03, effective 1/10/04. Statutory Authority: Chapter 70.168 RCW. 98-04-038, § 246-976-881, filed 1/29/98, effective 3/1/98.]

WAC 246-976-885 Educational requirements—Designated trauma care service personnel. (1) To allow for timely and orderly establishment of the trauma system, the department shall consider that education requirements established in this chapter for all personnel caring for trauma patients in a designated trauma care service, have been met if:

(a) At the time of initial designation, twenty-five percent of all personnel meet the education and training requirements defined in this chapter;

(b) At the end of the first year of designation, fifty percent of all personnel meet the education and training requirements defined in this chapter;

(c) At the end of the second year of designation, seventy-five percent of all personnel meet the education and training requirements defined in this chapter; and

(d) At the end of the third year of designation, and in all subsequent designation periods, ninety percent of all personnel meet the education and training requirements defined in this chapter.

(2) To meet the requirements for a trauma life support course:

(a) Emergency department registered nurses in levels I, II, III and IV trauma care services, and in levels I, II, and III pediatric trauma care services, shall have successfully completed a trauma nurse core course (TNCC), or a department-approved equivalent that includes a minimum of sixteen contact hours of trauma-specific education on the following topics:

(i) Mechanism of injury;

(ii) Shock and fluid resuscitation;

(iii) Initial assessment;

(iv) Pediatric trauma;

(v) Stabilization and transport;

(b) Registered nurses in critical care units in level I or II trauma care services shall have successfully completed a minimum of eight contact hours of trauma-specific education;

(c) Registered nurses in critical care units in level III trauma care services shall have successfully completed a minimum of four contact hours of trauma-specific education;

(d) For level IV services, if your written scope of trauma service includes critical care for trauma patients, registered nurses in critical care units shall have successfully completed a minimum of four contact hours of trauma-specific education.

[Statutory Authority: RCW 70.168.060 and 70.168.070. 04-01-041, § 246-976-885, filed 12/10/03, effective 1/10/04. Statutory Authority: Chapter 70.168 RCW. 98-04-038, § 246-976-885, filed 1/29/98, effective 3/1/98. Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-885, filed 12/23/92, effective 1/23/93.]

WAC 246-976-886 Pediatric education requirements (PER) for nonpediatric designated facilities. (1) In designated levels I, II, III, and IV general trauma care services emergency physicians and emergency RNs who are involved in the resuscitation and stabilization of pediatric trauma patients shall have PER, as provided in subsection (3) of this section, appropriate to their scope of trauma care.

(2) In designated levels I, II, and III general trauma care services general surgeons, anesthesiologists, CRNAs and PACU RNs who are involved in the resuscitation and stabilization of pediatric trauma patients shall have PER, as provided in subsection (3) of this section, appropriate to their scope of trauma care.

(3) PER can be met by the following methods:

(a) One-time completion of pediatric advanced life support (PALS) or a substantially equivalent training course; or

(b) Current certification in ATLS; or

(c) Completion of a least five contact hours of pediatric trauma education during each designation period. PER contact hours will:

(i) Include the following topics:

(A) Initial stabilization and transfer of pediatric trauma;

(B) Assessment and management of pediatric airway and breathing;

(C) Assessment and management of pediatric shock, including vascular access;

(D) Assessment and management of pediatric head injuries;

(E) Assessment and management of pediatric blunt abdominal trauma;

(ii) Be accomplished through one or more of the following methods:

(A) Review and discussion of individual pediatric trauma cases within the trauma QA/QI program;

(B) Staff meetings;

(C) Classes, formal or informal;

(D) Web-based learning; or

(E) Other methods of learning which appropriately communicate the required topics listed in this section.

[Statutory Authority: RCW 70.168.060 and 70.168.070. 04-01-041, § 246-976-886, filed 12/10/03, effective 1/10/04. Statutory Authority: Chapter 70.168 RCW. 02-12-107, § 246-976-886, filed 6/5/02, effective 7/6/02.]

WAC 246-976-887 Pediatric education requirements (PER) for pediatric designated facilities. (1) In designated levels I, II, III pediatric trauma care services emergency physicians, emergency RNs, general surgeons, pediatric intensivists, anesthesiologists, CRNAs, ICU RNs and PACU RNs who are involved in the resuscitation, stabilization and inpatient care of pediatric trauma patients shall have PER, as provided in subsection (2) of this section, appropriate to their scope of trauma care.

(2) PER can be met by the following methods:

(a) One-time completion of pediatric advance life support (PALS) or a substantially equivalent training course; or

(b) Current certification in ATLS; or

(c) Completion of at least seven contact hours of pediatric trauma education during each designation period. PER contact hours will:

(i) Include the following topics:

(A) Initial stabilization and transfer of pediatric trauma;

(B) Assessment and management of pediatric airway and breathing;

(C) Assessment and management of pediatric shock, including vascular access;

(D) Assessment and management of pediatric head injuries;

(E) Assessment and management of pediatric blunt abdominal trauma;

(F) Pediatric sedation and analgesia;

(G) Complications of pediatric multiple system trauma;

(ii) Be accomplished through one or more of the following methods:

(A) Review and discussion of individual pediatric trauma cases within the trauma QA/QI program;

(B) Staff meetings;

(C) Classes, formal or informal;

(D) Web-based learning; or

(E) Other methods of learning which appropriately communicate the required topics listed in this section.

[Statutory Authority: RCW 70.168.060 and 70.168.070. 04-01-041, § 246-976-887, filed 12/10/03, effective 1/10/04. Statutory Authority: Chapter 70.168 RCW. 02-12-107, § 246-976-887, filed 6/5/02, effective 7/6/02.]

WAC 246-976-890 Interhospital transfer guidelines and agreements. Designated trauma services must:

(1) Have written guidelines consistent with your written scope of trauma service to identify and transfer patients with special care needs exceeding the capabilities of the trauma service.

(2) Have written transfer agreements with other designated trauma services. The agreements must address the responsibility of the transferring hospital, the receiving hospital, and the prehospital transport agency, including a mechanism to assign medical control during interhospital transfer.

(3) Have written guidelines consistent with your written scope of trauma service to identify trauma patients who are transferred in from other facilities, whether admitted through the emergency department or directly into other hospital services.

(4) Use verified prehospital trauma services for interfacility transfer of trauma patients.

[Statutory Authority: RCW 70.168.060 and 70.168.070. 04-01-041, § 246-976-890, filed 12/10/03, effective 1/10/04. Statutory Authority: Chapters 18.71, 18.73, and 70.168 RCW. 00-08-102, § 246-976-890, filed 4/5/00, effective 5/6/00. Statutory Authority: Chapter 70.168 RCW. 98-04-038, § 246-976-890, filed 1/29/98, effective 3/1/98. Statutory Authority: RCW 43.70.040 and chapters 18.71, 18.73 and 70.168 RCW. 93-01-148 (Order 323), § 246-976-890, filed 12/23/92, effective 1/23/93.]

Title 250 WAC

HIGHER EDUCATION COORDINATING BOARD

(Formerly: Postsecondary Education, Council for)

Chapters

250-18	**Residency status for higher education.**
250-69	**Community scholarship matching grant program.**
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Chapter 250-18 WAC

RESIDENCY STATUS FOR HIGHER EDUCATION

WAC

250-18-015	Definitions.
250-18-020	Student classification.
250-18-025	Classification procedure.
250-18-030	Establishment of a domicile.
250-18-035	Evidence of financial dependence or independence.
250-18-040	Repealed.
250-18-060	Exemptions from nonresident status.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

250-18-040	Evidence of financial dependency. [Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-040, filed 9/8/82.] Repealed by 03-13-056, filed 6/13/03, effective 7/14/03. Statutory Authority: RCW 28B.15.015.

WAC 250-18-015 Definitions. (1) The term "institution" shall mean a public university, college, or community college within the state of Washington.

(2) The term "domicile" shall denote a person's true, fixed, and permanent home and place of habitation for other than educational purposes. It is the place where he or she intends to remain, and to which he or she expects to return when he or she leaves without intending to establish a new domicile elsewhere.

(3) The term "reside" shall mean the maintenance and occupancy of a primary residence in the state of Washington.

(4) The term "financially independent" shall be determined according to WAC 250-18-035.

(5) The term "dependent" shall mean a person who is not financially independent.

(6) The term "resident" for tuition and fee purposes shall be determined according to WAC 250-18-020.

(7) The term "nonresident" for tuition and fee purposes shall be determined according to WAC 250-18-020.

(8) The term "recovery of fees" shall apply to the amounts due to the institution or the student as a result of improper classification.

(9) The term "civil service" shall mean Washington state or federal government nonmilitary employment.

[Statutory Authority: RCW 28B.15.015. 03-13-056, § 250-18-015, filed 6/13/03, effective 7/14/03. Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-015, filed 9/8/82.]

WAC 250-18-020 Student classification. (1) For a student to be classified as a "resident" for tuition and fee purposes, he or she must prove by evidence of a sufficient quantity and quality to satisfy the institution that he or she:

(a)(i) Has established a bona fide domicile in the state of Washington primarily for purposes other than educational for the period of one year immediately prior to commencement of the first day of the semester or quarter for which he or she has registered at any institution; and

(ii) Is financially independent; or

(b) Is a dependent student, one or both of whose parents or legal guardians have maintained a bona fide domicile in the state of Washington for at least one year immediately prior to commencement of the semester or quarter for which the student has registered at any institution provided that any student who has spent at least seventy-five percent of both his or her junior and senior years in high school in this state, whose parents or legal guardians have been domiciled in the state for a period of at least one year within the five-year period before the student graduates from high school, and who has enrolled in a public institution of higher education within six months of leaving high school, shall be considered a resident only for as long as the student remains continuously enrolled for three quarters or two semesters in any calendar year; or

(c) Is a person who has completed the full senior year of high school and obtained a high school diploma - both at a Washington public or private high school approved under chapter 28A.195 RCW (or who has received the equivalent of a diploma). The person must have lived in Washington at least three years immediately prior to receiving the diploma (or its equivalent), and lived continuously in Washington state after receiving the diploma (or its equivalent) until the time of admittance to an institution of higher education (defined as a public university, college, or community college within the state of Washington). In addition, the person must provide an affidavit to the institution indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so. Furthermore, the individual must indicate a willingness to engage in other activities necessary to acquire citizenship, including, but not limited to, citizenship or civics review courses; or

(d) Is a student who is on active military duty stationed in the state, or who is a member of the Washington national guard; or

(e) Is the spouse or dependent of an active duty military person stationed in the state of Washington; or

(f) Is a student who resides in Washington and is the spouse or dependent of a member of the Washington national guard; or

(g) Is a student of an out-of-state institution of higher education who is attending a Washington state institution of higher education pursuant to a home tuition program agreement under RCW 28B.15.725; or

(h) Is a student domiciled for one year in one or a combination of the following states: Idaho, Montana, Oregon, or Washington, and is a member of one of the following American Indian tribes:

(i) Colville Confederated Tribes;

(ii) Confederated Tribes of the Chehalis Reservation;

(iii) Hoh Indian Tribe;

(iv) Jamestown S'Klallam Tribe;

(v) Kalispel Tribe of Indians;

(vi) Lower Elwha Klallam Tribe;

(vii) Lummi Nation;

(viii) Makah Indian Tribe;

(ix) Muckleshoot Indian Tribe;

(x) Nisqually Indian Tribe;

(xi) Nooksack Indian Tribe;

(xii) Port Gamble S'Klallam Community;

(xiii) Puyallup Tribe of Indians;

(xiv) Quileute Tribe;

(xv) Quinault Indian Nation;

(xvi) Confederated Tribes of Salish Kootenai;

(xvii) Sauk Suiattle Indian Nation;

(xviii) Shoalwater Bay Indian Tribe;

(xix) Skokomish Indian Tribe;

(xx) Snoqualmie Tribe;

(xxi) Spokane Tribe of Indians;

(xxii) Squaxin Island Tribe;

(xxiii) Stillaguamish Tribe;

(xxiv) Suquamish Tribe of the Port Madison Reservation;

(xxv) Swinomish Indian Community;

(xxvi) Tulalip Tribes;

(xxvii) Upper Skagit Indian Tribe;

(xxviii) Yakama Indian Nation;

(xxix) Coeur d'Alene Tribe;

(xxx) Confederated Tribes of Umatilla Indian Reservation;

(xxxi) Confederated Tribes of Warm Springs;

(xxxii) Kootenai Tribe; and

(xxxiii) Nez Perce Tribe.

(i) Is a student who is a resident of Oregon residing in Columbia, Gilliam, Hood River, Multnomah, Clatsop, Clackamas, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, or Washington county. The student must meet the following conditions:

(i) Is eligible to pay resident tuition rates under Oregon laws and has been domiciled in one or more of the designated Oregon counties for at least ninety days immediately prior to enrollment at a community college located in the following Washington counties: Asotin, Benton, Clark, Columbia, Cowlitz, Franklin, Garfield, Klickitat, Pacific, Skamania, Wahkiakum, or Walla Walla; or

(ii) Is a student enrolled for eight credits or less at the Tri-Cities branch or Vancouver branch of Washington State University.

(2) A student shall be classified as a "nonresident" for tuition and fee purposes if he or she does not qualify as a resident student under the provisions of subsection (1) of this section. A nonresident student shall include a student if he or she:

(a) Will be financially dependent for the current year or was financially dependent for the calendar year prior to the year in which application is made and who does not have a parent or legally appointed guardian who has maintained a bona fide domicile in the state of Washington for one year immediately prior to the commencement of the semester or quarter for which the student has registered at an institution;

(b) Attends an institution with financial assistance provided by another state or governmental unit or agency thereof wherein residency in that state is a continuing qualification for such financial assistance, such nonresidency continuing for one year after the completion of the quarter or semester for which financial assistance is provided. Such financial assistance relates to that which is provided by another state, governmental unit or agency thereof for direct or indirect educational purposes and does not include retirements, pensions, or other noneducational related income. A student loan guaranteed by another state or governmental unit or agency thereof on the basis of eligibility as a resident of that state is included within the term "financial assistance;"

(c) Is not a citizen of the United States of America, unless such person holds permanent or temporary resident immigration status, "refugee - parolee," or "conditional entrant" status or is not otherwise permanently residing in the United States under color of law and further meets and complies with all applicable requirements of WAC 250-18-030 and 250-18-035.

(3) A person does not lose a domicile in the state of Washington by reason of residency in any state or country while a member of the civil or military service of this state or of the United States, nor while engaged in the navigation of the waters of this state or of the United States or of the high seas if that person returns to the state of Washington within one year of discharge from said service with the intent to be domiciled in the state of Washington.

(4) Any resident dependent student who remains in this state when such student's parents or legal guardians, having theretofore been domiciled in this state for a period of one year immediately prior to commencement of the first day of the semester or quarter for which the student has registered at any institution, move from this state, shall be entitled to continued classification as a resident student so long as such student is continuously enrolled during the academic year.

[Statutory Authority: RCW 28B.15.015. 03-20-053, § 250-18-020, filed 9/26/03, effective 10/27/03; 03-13-056, § 250-18-020, filed 6/13/03, effective 7/14/03. Statutory Authority: RCW 28B.15.015 and 28B.15.0131. 98-08-004, § 250-18-020, filed 3/18/98, effective 4/18/98. Statutory Authority: 28B.15.015. 93-20-004, § 250-18-020, filed 9/22/93, effective 10/23/93. Statutory Authority: Chapter 28B.15 RCW as amended by 1982 1st ex.s. c 37 § 4. 87-21-079 (Order 5-87, Resolution No. 87-60), § 250-18-020, filed 10/21/87; 87-16-048 (Order 3-87, Resolution No. 87-58), § 250-18-020, filed 7/29/87. Statutory Authority: 1982 1st ex.s. c 37 § 4. 83-13-092 (Order 2-83, Resolution No. 83-65), § 250-18-020, filed 6/17/83; 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-020, filed 9/8/82.]

WAC 250-18-025 Classification procedure. (1) After a student has registered at any institution as a nonresident, such student's classification shall remain unchanged in the absence of evidence of a sufficient quantity and quality to satisfy the institution to the contrary. The provision of such evidence to the contrary may be initiated by the student or the institution.

(2) Application for a change in classification shall be accepted up to the thirtieth calendar day following the first day of the instruction of the quarter or semester for which application is made. Applications made after that date in any quarter or semester shall be considered to have been filed as of the first day of the subsequent quarter or semester.

(3) Any change in classification, either nonresident to resident, or the reverse, shall be based upon written evidence maintained in the files of the institution.

(4) Approval of an application for resident status shall be made only after satisfaction that the requirements of domicile and independency or dependency have been made in compliance with RCW 28B.15.012 and WAC 250-18-030 and 250-18-035. Reclassification from nonresident to resident status preliminarily approved sixty days or more prior to the satisfaction of a one-year durational domicile shall be supplemented with additional documented proof of domicile if deemed necessary by the institution prior to final approval.

(5) The burden of proof that a student, parent, or legally appointed guardian has established a domicile in the state of Washington primarily for purposes other than educational lies with the student.

(6) For any student classified as a resident or authorized to pay resident fees or exempted from the payment of the nonresident differential on a basis other than an established domicile in the state of Washington, the fee paying status of such student shall be subject to determination each term on the basis of chapter 28B.15 RCW.

[Statutory Authority: RCW 28B.15.015. 03-13-056, § 250-18-025, filed 6/13/03, effective 7/14/03. Statutory Authority: 1982 1st ex.s. c 37 § 4. 83-13-092 (Order 2-83, Resolution No. 83-65), § 250-18-025, filed 6/17/83; 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-025, filed 9/8/82.]

WAC 250-18-030 Establishment of a domicile. The domicile of any person shall be determined according to the individual's overall situation and circumstances and is not determined on the basis of a single factor; nor is a predetermined number of factors required. Institutions shall require evidence of a Washington domicile that is of sufficient quantity and quality to negate the existence of a domicile in a state other than Washington.

A nonresident student who is enrolled for more than six hours per semester or quarter shall be presumed to be in the state of Washington for primarily educational purposes. Such period of enrollment shall not be counted toward the establishment of a bona fide domicile of one year in this state unless such student proves that he or she has, in fact, established a bona fide domicile in this state primarily for purposes other than educational.

To aid the institutions in determining whether a student, parent, legally appointed guardian, or the person having legal custody of a student has established a bona fide domicile in the state of Washington primarily for purposes other than educational, the following factors are to be considered for both the individual and his or her spouse. The weight assigned to any given factor should depend on the ease with which it might be established and the degree to which it demonstrates commitment to domicile as a matter of common sense and as part of the individual's overall circumstances.

(1) Location and duration of registration or payment of taxes or fees on any motor vehicle, mobile home, travel trailer, boat, or any other item or personal property owned or used by the person;

(2) State and duration of any driver's license for the previous one year;

(3) Location and duration of any continuous full-time employment of the previous one year;

(4) Address and other pertinent facts listed on a true and correct copy of federal and state income tax returns for the calendar year prior to the year in which application is made;

(5) Location and duration of any voter registration for the previous one year;

(6) Location and duration of primary residence, evidenced by title, lease agreement, or monthly rental receipts for the previous one year;

(7) Residence status in all secondary and postsecondary schools attended outside the state of Washington;

(8) Location and duration of any checking accounts, savings accounts, and/or safety deposit boxes for the previous one year;

(9) Address listed on selective service registration;

(10) Location of membership in professional, business, civic or other organizations;

(11) Receipt of benefits under a public assistance programs;

(12) State claimed as residence for obtaining eligibility to hold a public office or for judicial actions;

(13) State claimed as residence for obtaining state hunting or fishing licenses;

(14) State in which a custodial parent has a child attending public schools.

[Statutory Authority: RCW 28B.15.015. 03-13-056, § 250-18-030, filed 6/13/03, effective 7/14/03. Statutory Authority: 1982 1st ex.s. c 37 § 4. 83-13-092 (Order 2-83, Resolution No. 83-65), § 250-18-030, filed 6/17/83; 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-030, filed 9/8/82.]

WAC 250-18-035 Evidence of financial dependence or independence. A person is financially independent if he or she has not been and will not be claimed as an exemption and has not received and will not receive significant financial assistance in any form directly or indirectly from his or her parents, relatives, legal guardians, or others for the current calendar year and for the calendar year immediately prior to the year in which application is made.

(1) To consider a claim that a person is financially independent, the institution may require such documentation as deemed necessary, including but not limited to the following:

(a) That individual's sworn statement.

(b) A true and correct copy of the state and federal income tax return of the person for the calendar year immediately prior to the year in which application is made.

Should a person not have filed a state or federal income tax return because of minimal or no taxable income, documented information concerning the receipt of such nontaxable income may be submitted.

(c) A true and correct copy of the person's W-2 forms filed for the previous calendar year.

(d) Other documented financial resources, which may include but are not limited to the sale of personal or real property, inheritance, trust funds, state or financial assistance, gifts, loans, or statement of earnings of the spouse of a married student.

(e) A true and correct copy of the first and signature page of the state and federal tax returns of the parents, legally appointed guardians, or person or persons having legal custody of the student for the calendar year immediately prior to the year in which application is made.

The extent of the disclosure required concerning the parent's or legal guardian's state and federal tax returns shall be limited to the listing of dependents claimed and the signature of the taxpayer and shall not require disclosure of financial information contained in the returns.

(f) A student whose parents are both deceased or who has been made an official ward of the court may be required to provide documentation attesting to the fact of such circumstances.

(g) Evidence of coverage for medical, life, automobile, and property insurance.

(2) To aid institutions in determining the financial independence of a student whose parents, legally appointed guardian, or person having legal custody of the student do not provide the documentation because of total separation or other reasons from the student, documentation clearly stating the student's status and relationship with his or her parents or legal guardian from a responsible third person, e.g., family physician, lawyer, or social worker may be submitted.

(3) To be considered financially independent, a student must demonstrate by evidence satisfactory to the institution that he or she has met, through his or her income, the expenses associated with college tuition and living for the current calendar year and the calendar year immediately prior to the year in which application is made. Personal loans, PLUS loans (parent loan for undergraduate students), gifts, and cash earnings shall not be counted as income in this calculation. Financial aid grants, scholarships and loans authorized by the financial aid office in the student's name may be considered as personal income.

(4) A trust or other account available to the student shall be considered evidence of financial dependence. If the account was created before the student entered high school, there shall be a rebuttable presumption of dependence.

(5) Information submitted by the student to the institution on the financial aid form may be used to affirm the authenticity of information submitted on an application.

(6) In all cases, the burden of proof that a student is financially independent lies with the student.

[Statutory Authority: RCW 28B.15.015. 03-20-053, § 250-18-035, filed 9/26/03, effective 10/27/03; 03-13-056, § 250-18-035, filed 6/13/03, effective 7/14/03. Statutory Authority: 1982 1st ex.s. c 37 § 4. 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-035, filed 9/8/82.]

WAC 250-18-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 250-18-060 Exemptions from nonresident status. In accordance with RCW 28B.15.014, certain nonresidents may be exempted from paying the nonresident tuition and fee differential. Exemption from the nonresident tuition and fee differential shall apply only during the term(s) such persons shall hold such appointments or be so employed. To be eligible for such an exemption, a nonresident student must provide documented evidence that he or she does reside in the state of Washington, and:

(1) Holds a graduate service appointment designated as such by an institution involving not less than twenty hours per week;

(2) Is employed for an academic department in support of the instructional or research programs involving not less than twenty hours per week;

(3) Is a faculty member, classified staff member, or administratively exempt employee who resides in the state of Washington and is holding not less than a half-time appointment, or the spouse or dependent child of such a person;

(4) Is an immigrant having refugee classification from the U.S. Immigration and Naturalization Service or the spouse or dependent child of such refugee, if the refugee (a) is on parole status, or (b) has received an immigrant visa, or (c) has applied for United States citizenship; or

(5) Is a dependent of a member of the United States Congress representing the state of Washington.

[Statutory Authority: RCW 28B.15.015. 03-20-053, § 250-18-060, filed 9/26/03, effective 10/27/03. Statutory Authority: RCW 28B.15.015 and 28B.15.0131. 98-08-004, § 250-18-060, filed 3/18/98, effective 4/18/98. Statutory Authority: RCW 28B.15.015. 93-20-004, § 250-18-060, filed 9/22/93, effective 10/23/93. Statutory Authority: Chapter 28B.15 RCW as amended by 1982 1st ex.s. c 37 § 4. 87-21-079 (Order 5-87, Resolution No. 87-60), § 250-18-060, filed 10/21/87; 87-16-048 (Order 3-87, Resolution No. 87-58), § 250-18-060, filed 7/29/87. Statutory Authority: 1982 1st ex.s. c 37 § 4. 85-20-035 (Order 5-85, Resolution No. 86-2), § 250-18-060, filed 9/24/85; 84-14-024 (Order 3-84, Resolution No. 84-75), § 250-18-060, filed 6/26/84; 82-19-015 (Order 10-82, Resolution No. 83-1), § 250-18-060, filed 9/8/82.]

Chapter 250-69 WAC

COMMUNITY SCHOLARSHIP MATCHING GRANT PROGRAM

WAC

250-69-010 Purpose.
250-69-020 Authority to administer.
250-69-030 Program definitions.
250-69-040 Eligibility criteria.
250-69-050 Application procedure.
250-69-060 Selection criteria.
250-69-070 Award amount.
250-69-090 Reporting requirements.
250-69-110 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

250-69-110 Duration of demonstration project. [Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-110, filed 4/5/90, effective 5/6/90.] Repealed by 03-04-101, filed 2/4/03, effective 3/7/03. Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370].

WAC 250-69-010 Purpose. The purpose of the community scholarship matching grant program is to provide two thousand dollar state-funded matching awards as an incentive to Washington community scholarship foundations to raise money and award scholarships to community residents who wish to pursue higher education. The community scholarship matching grant program encourages community organizations to generate local dollars to complement efforts funded by the state. In making awards, preference will be given to organizations affiliated with the citizens' scholarship foundation. An organization may receive more than one two thousand dollar matching grant per biennium.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370]. 03-04-101, § 250-69-010, filed 2/4/03, effective 3/7/03. Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-010, filed 4/5/90, effective 5/6/90.]

WAC 250-69-020 Authority to administer. As defined in RCW 28B.80.240, the higher education coordinating board is charged with the administration of any state program or state administered federal program of student financial aid now or hereafter established.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370]. 03-04-101, § 250-69-020, filed 2/4/03, effective 3/7/03. Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-020, filed 4/5/90, effective 5/6/90.]

WAC 250-69-030 Program definitions. (1) "Matching award" means the state appropriated funding for two thousand dollar grants available to selected eligible community scholarship foundations that raise at least two thousand dollars for student scholarships.

(2) "Community scholarship foundation" means a nonprofit, tax exempt 501 (c)(3) Internal Revenue Service Code, community-based organization, formed in part or in full for the purpose of providing higher education scholarships for local residents.

(3) "Higher education scholarship program" means a program which would provide awards to community residents to attend institutions of higher education in Washington state.

(4) "Washington institutions of higher education" or "institution" means a degree-granting college or university in the state of Washington whose campus or branch campus is physically located in the state of Washington, and who is accredited by a nationally recognized accrediting body. The recognized accrediting bodies are:

(a) The Northwest Association of Schools and Colleges or a similar regional accrediting body as determined by the board;

(b) The Accrediting Bureau of Health Education Schools;

(c) The Accrediting Council for Continuing Education and Training;

(d) The Accrediting Commission of Career Schools and Colleges of Technology;

(e) The Accrediting Council for Independent Colleges and Schools;

(f) The National Accrediting Commission of Cosmetology Arts and Sciences;

(g) The Middle States Association of Colleges and Schools, Commission on Higher Education;

(h) The New England Association of Schools and Colleges;

(i) The North Central Association of Colleges and Schools;

(j) The Southern Association of Colleges and Schools;

(k) The Western Association of Schools and Colleges.

(5) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in this chapter, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(6) "Washington resident" means a resident as defined in RCW 28B.15.012 (2)(a) through (d) and board adopted rules and regulations pertaining to the determination of Washington state residency.

(7) "New money" means funds raised during a twelve-month period designated and described in the annual program application. These funds cannot include interest income from endowments or interest from other funds raised previous to July 1 of the year of application.

(8) "Permanent and irrevocable scholarship endowment fund" means contributions received and deposited into an investment fund with the permanent purpose of using only the interest earnings from the principal of the contribution for the scholarships.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370]. 03-04-101, § 250-69-030, filed 2/4/03, effective 3/7/03. Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-030, filed 4/5/90, effective 5/6/90.]

WAC 250-69-040 Eligibility criteria. To be eligible to apply for a matching award a community organization must:

(1) Have or establish a higher education scholarship program and, during a twelve-month period designated and described in the annual application, raise at least two thousand dollars in new money for student scholarships;

(2) Obtain and maintain tax exempt status under section 501 (c)(3) of the Internal Revenue Code for the fund supporting the student scholarship program;

(3) Award student scholarships without regard to age, sex, marital status, race, creed, color, religion, national origin, or the presence of any mental, sensory, or physical handicap; and

(4) If the recipient of the matching grant is a college foundation, agree to award student scholarships funded by the grant and the matching money only to graduating students for the specific purpose of continuing their higher education. College foundations must be registered with the attorney general's office under the Charitable Trust Act, chapter 11.110 RCW.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370]. 03-04-101, § 250-69-040, filed 2/4/03, effective 3/7/03. Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-040, filed 4/5/90, effective 5/6/90.]

WAC 250-69-050 Application procedure. Community organizations meeting eligibility criteria will be considered for selection after they complete an application for the matching award on a form provided by the higher education coordinating board.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370]. 03-04-101, § 250-69-050, filed 2/4/03, effective 3/7/03. Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-050, filed 4/5/90, effective 5/6/90.]

WAC 250-69-060 Selection criteria. Community organizations which meet the eligibility criteria in WAC 250-69-040 and have raised two thousand dollars in new money during the twelve-month period designated and described in the annual application will be selected for a matching award, in the following priority order. Preference is given to those organizations affiliated with citizens' scholarship foundation.

Priority 1: Eligible organizations that have not previously received the matching grant.

Priority 2: Recipients of the matching grant in previous years that agree to raise new money and place that money and the matching grant into a permanent and irrevocable scholarship endowment fund.

Priority 3: Recipients of the matching grant in previous years that agree to raise new money for student scholarships.

When the number of organizations applying exceeds available matching award funds, those which:

(1) Solicit broad-based community support in their fund-raising activities and are representative of the community in their structure;

(2) Conduct fund-raising activities with volunteers and not with paid or contracted fund raisers; and

(3) Have primary focus of awarding scholarships to Washington residents attending Washington institutions of higher education shall be given further preference.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370]. 03-04-101, § 250-69-060, filed 2/4/03, effective 3/7/03. Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-060, filed 4/5/90, effective 5/6/90.]

WAC 250-69-070 Award amount. The community scholarship foundation matching award is a two thousand dollar grant based on available funding.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370]. 03-04-101, § 250-69-070, filed 2/4/03, effective 3/7/03. Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-070, filed 4/5/90, effective 5/6/90.]

WAC 250-69-090 Reporting requirements. Community organizations will submit, on a form provided by the board, reports of scholarships awarded from their two thousand dollar contribution and the two thousand dollar matching award. Reporting information will include, but is not limited to, recipients names and addresses, scholarship amounts and the higher education institution the recipient plans to attend. Or if the organization receives an endowment matching grant, a report indicating the endowment account number, name, the amount of the matching grant and the community match deposited along with a copy of the deposit receipt from the financial institution.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370]. 03-04-101, § 250-69-090, filed 2/4/03, effective 3/7/03. Statutory Authority: RCW 28B.80.180. 90-09-003, § 250-69-090, filed 4/5/90, effective 5/6/90.]

WAC 250-69-110 Repealed. See Disposition Table at beginning of this chapter.

Chapter 250-70 WAC
EDUCATIONAL OPPORTUNITY GRANT PROGRAM

WAC

250-70-010 Purpose.
250-70-020 Program definitions.
250-70-030 Institutional eligibility.
250-70-040 Student eligibility.
250-70-050 Application procedure.
250-70-060 Recipient selection and award.
250-70-070 Grant amount disbursement limits.
250-70-080 Program administration.

WAC 250-70-010 Purpose. Recognizing that Washington state experiences low participation rates at the upper-division level within postsecondary education, the legislature has authorized the educational opportunity grant program.

The purpose of the educational opportunity grant program is to serve eligible placebound financially needy Washington residents who have completed an associate of arts or associate of science degree, or the equivalent, enabling them to participate in and complete upper-division study at eligible institutions approved for participation by the higher education coordinating board.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370] and 28B.101.030. 03-20-047, § 250-70-010, filed 9/25/03, effective 10/26/03. Statutory Authority: 1990 c 288. 90-16-023, § 250-70-010, filed 7/20/90, effective 8/20/90.]

WAC 250-70-020 Program definitions. (1) "Placebound" shall mean unable to complete a college program because of family or employment commitments, health concerns, monetary inability, or other similar factors.

(2) "Placebound resident" shall mean a person who, because of family or employment commitments, health concerns, monetary need, or other similar factors, would be presumed unable to complete an upper-division course of study but for receipt of an educational opportunity grant. A placebound resident is one who may be influenced by the receipt of an enhanced student financial aid award to attend an eligible institution approved for participation in the program by the higher education coordinating board.

(3) "Demonstrated financial need" shall mean the difference between the budgetary cost to the student attending the institution of postsecondary education and the total applicant resources which the institutional financial aid officer determines can reasonably be expected to be available to the student for meeting such costs.

(4) "Needy student" shall mean those students as defined in RCW 28B.10.802(3), and as otherwise defined by the board.

(5) "Washington resident or resident student" shall mean an individual who at the time of application for an educational opportunity grant satisfies the requirements of RCW 28B.15.012 (2)(a) through (d) and board-adopted rules and regulations pertaining to the determination of state residency.

(6) "Associate of arts or associate of science degree or the equivalent" shall mean coursework comparable to admission at the junior level or above by the enrolling institution.

(7) "Upper division" shall mean baccalaureate coursework beyond an associate of arts degree or its equivalent.

(8) "Award amount" shall mean an award amount up to $2,500 per academic year per student, prorated per term of attendance, paid periodically in equal installments, not to exceed the student's demonstrated financial need.

(9) "Academic year" shall generally mean a nine-month period (three quarters or two semesters).

(10) "Board" shall mean the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370] and 28B.101.030. 03-20-047, § 250-70-020, filed 9/25/03, effective 10/26/03. Statutory Authority: 1990 c 288. 90-16-023, § 250-70-020, filed 7/20/90, effective 8/20/90.]

WAC 250-70-030 Institutional eligibility. To qualify as an eligible institution for purposes of this program an institution shall:

(1) Be a public or private postsecondary educational institution in the state of Washington accredited by the Northwest Association of Schools and Colleges; or a branch campus of a member institution accredited by Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, Southern Association of Colleges and Schools, or Western Association of Schools and Colleges that is eligible for federal student financial aid assistance, have operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years in the state of Washington, and have an annual enrollment of at least seven hundred full-time equivalent students.

(2) Complete an agreement to participate acknowledging its responsibility to administer the educational opportunity grant program according to prescribed rules and regulations and guidelines, and otherwise give evidence of its eligibility, if necessary.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370] and 28B.101.030. 03-20-047, § 250-70-030, filed 9/25/03, effective 10/26/03. Statutory Authority: Chapters 28B.80 and 28B.101 RCW. 93-19-024, § 250-70-030, filed 9/3/93, effective 10/4/93. Statutory Authority: 1990 c 288. 90-16-023, § 250-70-030, filed 7/20/90, effective 8/20/90.]

WAC 250-70-040 Student eligibility. A placebound student is eligible for an educational opportunity grant if the additional financial resource would alleviate the placebound condition by allowing the student access to education at an eligible institution. For a student to be eligible for an educational opportunity grant he or she must:

(1) Be a "financially needy student" as determined by the higher education coordinating board in accordance with RCW 28B.10.802(3);

(2) Be a resident of the state of Washington;

(3) Be enrolled or accepted for enrollment at least half time, with priority to full-time enrollment, as an upper-division undergraduate student at an eligible baccalaureate institution in the state of Washington;

(4) Be a placebound resident;

(5) Have completed an associate of arts or associate of science degree or the equivalent;

(6) Not be required by the institution to be involved in a program that includes any religious worship, exercise or instruction;

(7) Make satisfactory academic progress as determined by the institution; and

(8) An otherwise eligible student may not apply for this grant to continue enrollment at an institution where he or she is presently attending.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370] and 28B.101.030. 03-20-047, § 250-70-040, filed 9/25/03, effective 10/26/03. Statutory Authority: 1990 c 288. 90-16-023, § 250-70-040, filed 7/20/90, effective 8/20/90.]

WAC 250-70-050 Application procedure. Placebound students shall initially apply directly to the higher education coordinating board and shall complete an application and other materials as provided and required by the board.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370] and 28B.101.030. 03-20-047, § 250-70-050, filed 9/25/03, effective 10/26/03. Statutory Authority: 1990 c 288. 90-16-023, § 250-70-050, filed 7/20/90, effective 8/20/90.]

WAC 250-70-060 Recipient selection and award. In selecting grant recipients, the board will give priority to those students who, but for this grant, evidence that they could not pursue a baccalaureate degree.

(1) Determination. The higher education coordinating board shall determine student eligibility and awards under this program. The board will convene as necessary an advisory committee to work with the board on matters of program policy and administration including, but not limited to: Award screening, selection criteria, administrative procedures, program publicity, and efforts to recruit placebound students.

(2) Standards. Assuming program eligibility criteria are met, the following additional selection criteria, among others, may be employed in ranking candidates and awarding grants:

(a) Evidence that, but for this grant, a placebound student could not pursue baccalaureate study at an eligible institution of the student's choice;

(b) Evidence of financial hardship or significant educational debt; and

(c) Information describing the student's educational goals and plans.

A student may ultimately choose an eligible institution different from that referenced in his or her application, provided the board and the receiving eligible institution can verify student eligibility criteria such as placebound status, certification of enrollment in an eligible academic program, documented financial need and satisfactory academic progress status. To deliver an incentive for recipients, the institution agrees to package the grant as "self-help."

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370] and 28B.101.030. 03-20-047, § 250-70-060, filed 9/25/03, effective 10/26/03. Statutory Authority: 1990 c 288. 90-16-023, § 250-70-060, filed 7/20/90, effective 8/20/90.]

WAC 250-70-070 Grant amount disbursement limits. Grant disbursement shall be made to the eligible enrolled student in equal amounts per term upon institutional verification of the student's enrollment in an eligible program, proof of financial need and satisfactory academic progress. The award amount shall not exceed $2,500 per academic year. The value of the grant shall be the same regardless of the institution selected. Students may be awarded grants for up to eight quarters (or equivalent) of study. Renewability will not be forfeited if a student stops out for a single term during the academic year. However, students who fail to attend for more than one regular academic term during the period of their award will be required to reapply for the grant. If they are reawarded, previous terms of enrollment during which they received the grant will count toward their total eligibility.

The educational opportunity grant, when combined with the state share of other state-appropriated student financial aid programs, shall not exceed an amount equal to the total maximum student expense budget at the public research institutions plus the current average state appropriation per student for operating expense in the public institutions.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370] and 28B.101.030. 03-20-047, § 250-70-070, filed 9/25/03, effective 10/26/03. Statutory Authority: 1990 c 288. 90-16-023, § 250-70-070, filed 7/20/90, effective 8/20/90.]

WAC 250-70-080 Program administration. (1) Administering agency. The higher education coordinating board shall administer the educational opportunity grant program. The staff of the board, under the direction of the executive director, will manage the administrative functions relative to the program and shall be authorized to enter into agreement with eligible institutions for participation in the program.

(2) Maintenance of effort. State funds provided under this program are not to be used to supplant federal, state or institutional grants which would otherwise be available to support the student's attendance.

(3) Reports. The higher education coordinating board will obtain periodic reports from institutions describing the number of educational opportunity grant recipients selecting that institution, the socio-economic profile of such recipients in attendance at each participating institution, and other information about the student's academic program pertinent to these rules.

(4) Oversight and appeals. If an institution fails to maintain eligibility for the program as defined in WAC 250-70-020, or if the board determines that an institution has failed to comply with program rules and regulations or guidelines, the board may suspend, terminate, or place conditions upon the institution's participation in the program. Satisfactory resolution of a dispute will be attempted by board staff. If satisfactory resolution cannot be achieved by board staff, the institution initiating the appeal may request a hearing with the board, which shall take action on the appeal. Eligible applicants may request in writing a review of any adverse decision affecting them by requesting such review within 20 days of the adverse decision, addressed to the executive director of the higher education coordinating board. In both circumstances, the appeal shall be conducted consistent with the terms of the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 28B.240 and .370 [28B.80.240 and 28B.80.370] and 28B.101.030. 03-20-047, § 250-70-080, filed 9/25/03, effective 10/26/03. Statutory Authority: 1990 c 288. 90-16-023, § 250-70-080, filed 7/20/90, effective 8/20/90.]

Chapter 250-80 WAC
WASHINGTON PROMISE SCHOLARSHIP RULES

WAC

250-80-060 Grant disbursement.

WAC 250-80-060 Grant disbursement. (1) In order to receive a scholarship disbursement, eligible students must enroll with at least a half-time status and be considered by the school to be making satisfactory progress in their course of study, according to the school's satisfactory progress policy for federal student aid.

(2) Grants to students will be disbursed in equal payments, once per term, across the three quarter or two semester academic year.

(3) State of Washington public colleges and universities may request payment for funds up to the limit of the per term award for each enrolled eligible student. The state public college or university may apply the proceeds of the scholarship to any outstanding debt owed by the student to the institution. The institution must disburse any remainder directly to the eligible student.

(4) Nonstate institutions may request that checks be written to eligible students attending their schools. The board will write individual warrants payable to each eligible student and delivered to the school for disbursement.

(5) The independent university and the private vocational school must disburse the warrant once the student's half-time or greater enrollment has been verified. The school may not withhold or delay disbursement for any reason other than for less than half-time enrollment. The school has thirty days to either disburse the warrant or return it to the board.

[Statutory Authority: RCW 28B.80.370, 28B.119.010(9) and 28B119.020 [28B.119.020](3). 03-23-119, § 250-80-060, filed 11/19/03, effective 1/1/04. Statutory Authority: Chapter 28B.80 RCW and 1999 c 309 § 611(6). 00-08-082, § 250-80-060, filed 4/4/00, effective 5/5/00.]

Title 251 WAC

PERSONNEL, DEPARTMENT OF (HIGHER EDUCATION)

Chapters

251-04 General provisions.
251-17 Recruitment—Examination.
251-22 Holidays—Leave.

Chapter 251-04 WAC
GENERAL PROVISIONS

WAC

251-04-035 Exemptions.

WAC 251-04-035 Exemptions. The provisions of this chapter do not apply to positions listed in RCW 41.06.070 and to the following:

(1) The executive director, his/her confidential secretary, assistant directors, and professional education employees of the state board for community and technical colleges.

(2) The following definitions are hereby established as the criteria for identifying positions occupied by student, part-time or temporary employees, and part-time professional consultants that are exempt from the provisions of this chapter.

(a) Students employed by the institution at which they are enrolled (or related board) and who either:

(i) Work five hundred sixteen hours or less in any six consecutive months, exclusive of hours worked in a temporary position(s) during the summer and other breaks in the academic year, provided such employment does not take the place of a classified employee laid off due to lack of funds or lack of work; or fill a position currently or formerly occupied by a classified employee during the current or prior calendar or fiscal year, whichever is longer;

(ii) Are employed in a position directly related to their major field of study to provide a training opportunity; or

(iii) Are elected or appointed to a student body office or student organization position such as student officers or student news staff members.

(b) Students participating in a documented and approved programmed internship which consists of an academic component and work experience.

(c) Students employed through the state or federal work/study programs.

(d) Persons employed to work one thousand fifty hours or less in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later. Such an appointment may be subject to remedial action in accordance with WAC 251-12-600, if the number of hours worked exceeds one thousand fifty hours in any twelve consecutive month period from the original date of hire or October 1, 1989, whichever is later, exclusive of overtime or work time as described in subsection (2)(a) of this section.

(i) Employees who are either exempt under WAC 251-04-035 (2)(d) or exceptions authorized under WAC 251-19-120(8), and who work more than three hundred fifty hours in any twelve consecutive month period from the original date of hire or January 1, 2004, whichever is later, exclusive of overtime or time worked under subsection (2)(a) of this subsection, may be included in an appropriate bargaining unit for purposes of collective bargaining, as determined by the public employment relations commission.

(e) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

[Statutory Authority: RCW 41.06.150. 03-22-003, § 251-04-035, filed 10/22/03, effective 1/1/04; 03-13-051, § 251-04-035, filed 6/12/03, effective 6/12/03.]

Chapter 251-17 WAC
RECRUITMENT—EXAMINATION

WAC

251-17-150 Veterans scoring in examinations.

WAC 251-17-150 Veterans scoring in examinations. (1) "Veteran" includes every person, who at the time he or she seeks the benefits of this section has received an honorable discharge or received a discharge for medical reasons with an honorable record, where applicable, and who has served in at least one of the following capacities:

(a) As a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves, and has fulfilled his or her initial military service obligation;

(b) As a member of the women's air forces service pilots;

(c) As a member of the armed forces reserves, national guard, or coast guard, and has been called into federal service by a presidential select reserve call up for at least one hundred eighty cumulative days;

(d) As a civil service crew member with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946; or

(e) As a member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945.

(2) Veterans who claim eligibility, submit the qualifying DD214 form, and meet the criteria specified in this section shall have added to their final passing scores:

(a) Ten percent of the final passing score for a veteran who served during a period of war or in an armed conflict as defined in RCW 41.04.005 and does not receive military retirement. The percentage shall be added until the veteran's first appointment and shall not be utilized in promotional examinations.

(b) Five percent to a veteran who did not serve during a period of war or in an armed conflict as defined in RCW 41.04.005 or is receiving military retirement. The percentage shall be added to the final passing score. The percentage shall be added until the veteran's first appointment and shall not be utilized in promotional examinations.

(c) Five percent of the final passing score for a veteran who was called from state employment to active military service for one or more years. The percentage shall be added to the first promotional examination only.

(3) The provisions in subsection (2) of this section may be claimed upon or anytime after release from active military service.

[Statutory Authority: RCW 41.06.150. 03-20-010, § 251-17-150, filed 9/19/03, effective 9/19/03; 02-15-052, § 251-17-150, filed 7/11/02, effective 9/1/02; 96-11-061, § 251-17-150, filed 5/10/96, effective 6/6/96. Statutory Authority: RCW 28B.16.100. 88-02-018 (Order 165), § 251-17-150, filed 12/30/87, effective 2/1/88.]

Chapter 251-22 WAC
HOLIDAYS—LEAVE

WAC

251-22-250	Shared leave.
251-22-260	Shared leave receipt.
251-22-270	Shared leave use.
251-22-280	Leave donation.
251-22-290	Shared leave administration.

WAC 251-22-250 Shared leave. The purpose of the Washington state leave sharing program is to permit state employees, at no significantly increased cost to the state of providing leave, to come to the aid of another state employee who has been called to service in the uniformed services or who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment. For purposes of the Washington state leave sharing program, the following definitions apply:

(1) "Employee's relative" normally shall be limited to the employee's spouse, child, stepchild, grandchild, grandparent, or parent.

(2) "Household members" is defined as persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. This term shall include, but is not limited to, foster children and legal wards. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune.

(3) "Severe" or "extraordinary" condition is defined as serious or extreme and/or life threatening.

(4) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(5) "Uniformed services" means the armed forces, the army national guard, and the air national guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard, and any other category of persons designated by the President of the United States in time of war or national emergency.

[Statutory Authority: RCW 41.06.150. 03-20-011, § 251-22-250, filed 9/19/03, effective 9/19/03; 96-11-059, § 251-22-250, filed 5/10/96, effective 6/6/96. Statutory Authority: Chapter 28B.16 RCW. 91-13-012, § 251-22-250, filed 6/7/91, effective 8/1/91. Statutory Authority: RCW 28B.16.100 and chapter 41.04 RCW. 89-22-019, § 251-22-250, filed 10/24/89, effective 12/1/89.]

WAC 251-22-260 Shared leave receipt. An employee may be eligible to receive shared leave if the employee's agency/institution head has determined the employee meets the following criteria:

(1)(a) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature; or

(b) The employee has been called to service in the uniformed services.

(2) The illness, injury, impairment, condition, or call to service has caused, or is likely to cause, the employee to:

(a) Go on leave without pay status; or

(b) Terminate state employment.

(3) The employee's absence and the use of shared leave are justified.

(4) The employee has depleted or will shortly deplete his or her:

(a) Annual leave and sick leave reserves if the employee qualifies under subsection (1)(a) of this section; or

(b) Annual leave and paid military leave allowed under RCW 38.40.060 if the employee qualifies under subsection (1)(b) of this section.

(5) The employee has abided by institution/agency rules regarding:

(a) Sick leave use if the employee qualifies under subsection (1)(a) of this section; or

(b) Military leave if the employee qualifies under subsection (1)(b) of this section.

(6) The employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if the employee qualifies under subsection (1)(a) of this section.

[Statutory Authority: RCW 41.06.150. 03-20-011, § 251-22-260, filed 9/19/03, effective 9/19/03; 96-21-036, § 251-22-260, filed 10/10/96, effective 11/10/96. Statutory Authority: RCW 28B.16.100 and chapter 41.04 RCW. 89-22-019, § 251-22-260, filed 10/24/89, effective 12/1/89.]

WAC 251-22-270 Shared leave use. (1) The agency/institution head shall determine the amount of leave, if any, which an employee may receive under these rules. However, an employee shall not receive more than two hundred sixty-one days of shared leave.

(2) The agency/institution head shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the employee's required absence, the description of the medical problem, and expected date of return-to-work status when the employee is qualified under WAC 251-22-260 (1)(a). The agency/institution head shall require the employee to submit, prior to approval or disapproval, a copy of the military orders verifying the employee's required absence when the employee is qualified under WAC 251-22-260 (1)(b).

(3) The agency/institution head should consider other methods of accommodating the employee's needs such as modified duty, modified hours, flex-time or special assignments in lieu of shared leave usage per WAC 251-10-070, 251-10-080, 251-10-090, 251-17-090, 251-18-180, 251-19-100, 251-19-105, and 251-24-030.

(4) Leave transferred under these rules may be transferred from employees of one agency/institution to an employee of the same agency/institution or, with the approval of the heads of both agencies/institutions, to an employee of another state agency/institution.

(5) Annual leave, sick leave, or all or part of a personal holiday transferred from a donating employee under these rules shall be used solely for the purpose stated in WAC 251-22-250.

(6) The receiving employee shall be paid his/her regular rate of pay; therefore, the value of one hour of shared leave may cover more or less than one hour of the recipient's salary.

[Statutory Authority: RCW 41.06.150. 03-20-011, § 251-22-270, filed 9/19/03, effective 9/19/03; 96-11-059, § 251-22-270, filed 5/10/96, effective 6/6/96. Statutory Authority: RCW 28B.16.100 and chapter 41.04 RCW. 89-22-019, § 251-22-270, filed 10/24/89, effective 12/1/89.]

WAC 251-22-280 Leave donation. An employee may donate annual leave, sick leave, or personal holiday to another employee for purposes of the Washington state leave sharing program under the following conditions:

(1) The employee's agency/institution head approves the employee's request to donate a specified amount of annual leave to an employee authorized to receive shared leave; and

(a) The full-time employee's request to donate leave will not cause his/her annual leave balance to fall below eighty hours. For part-time employees, requirements for annual leave balances will be prorated; and

(b) Employees may not donate excess vacation leave that they would not be able to take due to an approaching anniversary date; and

(2) The employee's agency/institution head approves the employee's request to donate a specified amount of sick leave to an employee authorized to receive shared leave.

The employee's request to donate leave will not cause his/her sick leave balance to fall below one hundred seventy-six hours after the transfer.

(3) The employee's agency/institution head approves the employee's request to donate all or part of his or her personal holiday to an employee authorized to receive shared leave.

(a) That portion of a personal holiday that is accrued, donated as shared leave, and then returned during the same calendar year to the donating employee, may be taken by the donating employee.

(b) An employee shall be allowed to split the personal holiday only when donating a portion of the personal holiday to the shared leave program.

(4) No employee may be intimidated, threatened, or coerced into donating leave for purposes of this program.

[Statutory Authority: RCW 41.06.150. 03-20-011, § 251-22-280, filed 9/19/03, effective 9/19/03; 96-21-036, § 251-22-280, filed 10/10/96, effective 11/10/96; 96-11-059, § 251-22-280, filed 5/10/96, effective 6/6/96. Statutory Authority: RCW 28B.16.100 and chapter 41.04 RCW. 89-22-019, § 251-22-280, filed 10/24/89, effective 12/1/89.]

WAC 251-22-290 Shared leave administration. (1) The calculation of the recipient's leave value shall be in accordance with applicable office of financial management policies, regulations, and procedures. The leave received will be coded as shared leave and be maintained separately from all other leave balances. All compensatory time, sick leave, and annual leave accrued must be used prior to using shared leave when the employee qualifies under WAC 251-22-260 (1)(a). Accrued annual leave and paid military leave allowed under RCW 38.40.060 must be used prior to using shared leave for employees qualified under WAC 251-22-260 (1)(b).

(2) An employee on leave transferred under these rules shall continue to be classified as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

(3) All salary and wage payments made to employees while on leave transferred under these rules shall be made by the agency/institution employing the person receiving the leave.

(4) Where agency/institution heads have approved the transfer of leave by an employee of one agency/institution to an employee of another agency/institution, the agencies/institutions involved shall arrange for the transfer of funds and credit for the appropriate value of leave in accordance with office of financial management policies, regulations, and procedures.

(5) Leave transferred under this section shall not be used in any calculation to determine an agency's/institution's allocation of full-time equivalent staff positions.

(6) Any shared leave not used by the recipient shall be returned to the donor(s).

The remaining shared leave is to be divided on a pro rata basis among the donors and reinstated to the respective donors' appropriate leave balances based upon each employee's current salary rate at the time of the reversion. The shared leave returned shall be prorated back based on the donor's original donation.

(7) Unused shared leave may not be cashed out under WAC 251-22-090 but shall be returned to the donors per subsection (6) of this section.

(8) An employee who uses leave that is transferred under this section will not be required to repay the value of the leave that he or she used.

[Statutory Authority: RCW 41.06.150. 03-20-011, § 251-22-290, filed 9/19/03, effective 9/19/03; 96-21-036, § 251-22-290, filed 10/10/96, effective 11/10/96; 96-11-059, § 251-22-290, filed 5/10/96, effective 6/6/96. Statutory Authority: RCW 28B.16.100 and chapter 41.04 RCW. 89-22-019, § 251-22-290, filed 10/24/89, effective 12/1/89.]

Title 260 WAC

HORSE RACING COMMISSION

Chapters

260-08 **Practice and procedure.**
260-13 **Licensing requirements for new tracks and transfers of existing tracks.**
260-20 **Association grounds and facilities.**
260-24 **Association officials and employees.**
260-28 **Ownerships, trainers and employees.**
260-34 **Drug and alcohol testing of licensees and employees.**
260-48 **Mutuels.**
260-70 **Controlled medication program.**
260-72 **Communications to and from grounds.**

Chapter 260-08 WAC

PRACTICE AND PROCEDURE

WAC

260-08-595 Role of the commission and the executive secretary.

WAC 260-08-595 Role of the commission and the executive secretary. The horse racing commission shall appoint an executive secretary who shall act as the chief operating officer for the agency. The executive secretary shall be responsible for the implementation of policies and to enforce rules of the commission. He/she shall also be responsible to carry out the administrative details and the day-to-day operation of the agency, to include the achievement of performance goals and objectives established by the commission and to administrate the agency's budget. The executive secretary shall also act as the appointing authority for agency staff, and as such has the authority and responsibility to hire, promote, assign work, determine duty stations, evaluate, take corrective action, and, where appropriate terminate staff. The executive secretary shall also be responsible to enter into contracts and agreements, and to exercise such other management oversight, decision-making and administrative action that are necessary to achieve agency mission and goals.

[Statutory Authority: RCW 67.16.020. 03-03-041, § 260-08-595, filed 1/10/03, effective 2/10/03.]

Chapter 260-13 WAC

LICENSING REQUIREMENTS FOR NEW TRACKS AND TRANSFERS OF EXISTING TRACKS

WAC

260-13-420 Payment of Class A and B license fees.

WAC 260-13-420 Payment of Class A and B license fees. A Class A or B license does not become effective until the commission receives a certified check or bank draft to the order of the state of Washington equal to two hundred dollars times the optimum number of racing days sought in the license application and is void if the license fee is not received within ten days after issuance.

The commission must refund promptly to the licensee any amount by which the fee paid exceeds two hundred dollars times the number of actual days of racing sponsored and managed by the licensee.

[Statutory Authority: RCW 67.16.020. 03-11-015, § 260-13-420, filed 5/12/03, effective 6/12/03. Statutory Authority: RCW 67.16.020 and 67.16.040. 86-13-056 (Order 86-03), § 260-13-420, filed 6/16/86.]

Chapter 260-20 WAC

ASSOCIATION GROUNDS AND FACILITIES

WAC

260-20-035 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-20-035 Nonparimutuel wagering prohibited. [Statutory Authority: RCW 61.16.020 [67.16.020] and 67.16.040. 82-18-050 (Order 82-06), § 260-20-035, filed 8/30/82.] Repealed by 03-11-016, filed 5/12/03, effective 6/12/03. Statutory Authority: RCW 67.16.020.

WAC 260-20-035 Repealed. See Disposition Table at beginning of this chapter.

Chapter 260-24 WAC

ASSOCIATION OFFICIALS AND EMPLOYEES

WAC

260-24-510 Stewards.

WAC 260-24-510 Stewards. (1) General authority:

(a) The stewards for each meeting shall be responsible to the commission for the conduct of the race meeting in accordance with these rules;

(b) The stewards shall enforce these rules and the racing laws of this jurisdiction;

(c) The stewards' authority includes supervision of all racing officials, track management, licensed personnel, other persons responsible for the conduct of racing, and patrons, as necessary to insure compliance with these rules;

(d) All nominations, entries, declarations and scratches shall be conducted under the supervision of the stewards;

(e) The stewards shall have authority to resolve conflicts or disputes related to racing and to discipline violators in accordance with the provisions of these rules;

(f) The stewards shall take notice of any questionable conduct with or without complaint thereof;

(g) The stewards have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules;

(h) Should any case occur which may not be covered by these rules of racing, it shall be determined by the stewards of the race meeting in conformity with justice and in the best interest of racing; and the stewards of the meeting are hereby given authority to exercise their full power, recommending to the commission the impositions of more severe penalties, if in their judgment the penalty should be more drastic.

(2) The stewards' period of authority shall commence 10 days prior to the beginning, or at such other time as is necessary in the opinion of the executive secretary, of each meeting and shall terminate with the completion of their business pertaining to the meeting. One of the three stewards shall be designated as the presiding steward by the commission.

(3) Disciplinary action:

(a) The stewards shall take notice of alleged misconduct or rule violations and initiate investigations into such matters;

(b) The stewards shall have authority to charge any licensee with a violation of these rules, to conduct hearings and to impose disciplinary action in accordance with these rules;

(c) The stewards may compel the attendance of witnesses and the submission of documents or potential evidence related to any investigation or hearing;

(d) The stewards may at any time inspect license documents, registration papers and other documents related to racing;

(e) The stewards shall have the power to administer oaths and examine witnesses;

(f) The stewards shall consult with the official veterinarian to determine the nature and seriousness of a laboratory finding or an alleged medication violation;

(g) The stewards may impose any of the following penalties on a licensee for a violation of these rules;

(i) Issue a reprimand;

(ii) Assess a fine;

(iii) Require forfeiture or redistribution of purse or award, when specified by applicable rules;

(iv) Place a licensee on probation;

(v) Suspend a license or racing privileges;

(vi) Revoke a license; or

(vii) Exclude from grounds under the jurisdiction of the commission.

(h) The stewards may suspend a license for not more than one year per violation; or they may impose a fine not to exceed $2,500 per violation; or they may suspend and fine; or they may order that a person be ineligible for licensing. For violations covered by Chapter 260-70 [WAC] Medication, the stewards shall follow the penalty guidelines as set forth in WAC 260-70-690;

(i) A stewards' ruling shall not prevent the commission from imposing a more severe penalty;

(j) The stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a stewards' referral shall not preclude commission action in any matter;

(k) Purses, prizes, awards and trophies shall be redistributed if the stewards or commission order a change in the official order of finish;

(l) All fines imposed by the stewards shall be paid to the commission within 48 hours after the ruling is issued, unless otherwise ordered.

(4) Protests, objections and complaints. The stewards shall cause an investigation to be conducted and shall render a decision in every protest, objection and complaint made to them. They shall maintain a record of all protests, objections and complaints. The stewards shall file daily with the commission a copy of each protest, objection or complaint and any related ruling. The stewards are vested with the power to determine the extent of disqualification in case of fouls. They may place the offending horse behind such horses as in their judgment it interfered with, or they may place it last.

(5) Stewards' presence:

(a) On each racing day at least one steward shall be on duty at the track from 3 hours prior to first race post time. The full board of stewards shall sit in regular session to exercise their authority and perform the duties imposed on them by the rules of racing;

(b) Three stewards shall be present in the stewards' stand during the running of each race. In case of emergency, the stewards may, during the meeting, appoint a substitute subject to the confirmation of the commission.

(6) Order of finish for parimutuel wagering:

(a) The stewards shall determine the official order of finish for each race in accordance with these rules of racing;

(b) The decision of the stewards as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the running of the race, shall be final for purposes of distribution of the parimutuel wagering pool.

(7) The stewards have the authority to cancel wagering on an individual betting interest or on an entire race and also have the authority to cancel a parimutuel pool for a race or races, if such action is necessary to protect the integrity of parimutuel wagering.

(8) Records and reports:

(a) The stewards shall prepare a daily report, detailing their actions and observations made during each day's race program. The report shall contain the name of the racetrack, the date, the weather and track conditions, claims, inquiries, objections and hearings and any unusual circumstances or conditions. The report shall be signed by each steward and be filed with the commission;

(b) Not later than seven days after the last day of a race meeting, the presiding steward shall submit to the commission a written report regarding the race meeting. The report shall contain:

(i) The stewards' observations and comments regarding the conduct of the race meeting, the overall conditions of the association grounds during the race meeting; and

(ii) Any recommendations for improvement by the association or action by the commission.

(9) Stewards' list:

(a) The stewards shall maintain a stewards' list of the horses which are ineligible to be entered in a race because of poor or inconsistent performance or behavior on the racetrack that may endanger the health or safety of other participants in racing;

(b) The stewards may place a horse on the stewards' list when there exists a question as to the exact identification or ownership of said horse;

(c) A horse which has been placed on the stewards' list because of inconsistent performance or behavior, may be removed from the stewards' list when, in the opinion of the stewards, the horse can satisfactorily perform competitively in a race without endangering the health or safety of other participants in racing;

(d) A horse which has been placed on the stewards' list because of questions as to the exact identification or ownership of said horse, may be removed from the stewards' list when, in the opinion of the stewards, proof of exact identification and/or ownership has been established.

(10) When the stewards feel that a rule, other than a rule of the race, has been violated by any person, the procedure shall be as follows:

(a) He or she shall be summoned to a hearing before the stewards, called for that purpose;

(b) Adequate notice of said hearing shall be given to the summoned party. The stewards' decision as to what is adequate notice shall be final;

(c) No penalty shall be imposed until such hearing;

(d) Nonappearance of the summoned party after adequate notice shall be construed as a waiver of right to hearing before the stewards;

(e) No special announcement of the hearing or of the alleged infraction of rules shall be made until after said hearing. Immediately after a hearing, provided the matter is settled, the stewards shall transmit their findings in a stewards ruling to the commission and to the party in question. Thereafter, if a penalty is imposed for the infraction of the rules but only in the case of penalty, the commission may make a public statement.

(11) Nothing in this rule shall prohibit the stewards from taking necessary action to prevent or avoid the immediate danger to the public health, safety or welfare or the integrity of racing.

[Statutory Authority: RCW 67.16.020. 03-13-074, § 260-24-510, filed 6/13/03, effective 7/14/03. Statutory Authority: RCW 67.16.040. 98-01-145, § 260-24-510, filed 12/19/97, effective 1/19/98.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

Chapter 260-28 WAC
OWNERSHIPS, TRAINERS AND EMPLOYEES

WAC

260-28-030 Financial responsibility.

WAC 260-28-030 Financial responsibility. (1) No licensee shall willfully fail or refuse to pay money due for services, supplies, or fees connected with his or her operations as a licensee. No licensee shall falsely deny such an amount due or the validity of a complaint on such an amount due for the purpose of hindering, delaying, or defrauding the person to whom the amount is due.

(2) A financial responsibility complaint against a licensee must be in writing, signed by the complainant, and accompanied by documentation of the services, supplies or fees alleged to have been provided, or by a judgment from a civil court that has been issued within two years of the date of the complaint.

(3) Any licensee failing to make restitution as a result of a complaint where the amount owed is undisputed or judgment may be subject to disciplinary action, including a license suspension.

(4) The stewards will consider for disciplinary action only those financial responsibility complaints that meet the following criteria:

(a) The complaint involves services, supplies or fees that are directly related to the licensee's Washington racetrack and training operations; and

(b) The debt or cause of action originated in Washington, or the civil court judgment was issued in Washington, within two years of the date the complaint is filed.

(5) In determining whether to act on a financial responsibility complaint, the stewards may consider the number of financial responsibility complaints made by the complainant against the same licensee within a two-year period immediately preceding the current complaint.

(6) No licensee shall write, issue, make or present any check in payment for any license fee, fine, nomination or entry fee or other fees, or for any service or supplies when the licensee knows or should reasonably know that the check will be refused for payment by the bank upon which it is written, or that the account upon which the check is written does not contain sufficient funds for payment of the check, or that the check is written on a closed or non-existent account. The fact that such a check is returned to the payee by the bank as refused is a grounds for a license suspension pending satisfactory redemption of the returned check.

[Statutory Authority: RCW 67.16.040. 03-07-056, § 260-28-030, filed 3/14/03, effective 4/14/03; Rules of racing, § 27, filed 4/21/61.]

Chapter 260-34 WAC
DRUG AND ALCOHOL TESTING OF LICENSEES AND EMPLOYEES

WAC

260-34-090 A positive test.

WAC 260-34-090 A positive test. A drug test shall be positive when the presence of a controlled substance is confirmed by two independent tests performed on the same sam-

ple supplied by a licensee, employee, or applicant. The tests used will be the E.M.I.T. screen test, followed by a gas chromatography/mass spectrometry confirmatory test, or other tests which the scientific community recognizes are equally or more accurate and reliable. If marijuana or its derivatives, salts, isomers, or salts of isomers are detected in a drug test, such a result will not be reported positive unless found at levels of at least fifty nanograms per milliliter.

A positive drug test shall be reported by the laboratory to the presiding steward at the track. On receiving written notice from the laboratory that a specimen has been found positive for a controlled substance, the presiding steward shall initiate the following procedure:

(1) Written notice shall be given to the licensee, employee or applicant, setting a hearing by the board of stewards in accordance with WAC 260-24-440 within the next two racing days or seven calendar days, whichever is less, after service of the notice. The hearing may be held within a shorter or longer period of time if the licensee, employee, or applicant named and the board of stewards agree. Service shall be to the licensee, employee, or applicant personally, by leaving the notice at the person's residence with someone of reasonable age and discretion residing therein, or by mail to the person's last known address. If by mail, service shall be deemed completed on the third day after mailing.

(2) The hearing shall be conducted before the board of stewards pursuant to WAC 260-24-440. At the hearing, the licensee, employee, or applicant shall be provided an opportunity to explain the positive test.

(3) The board of stewards' hearing shall be closed and the facts therein will be kept confidential unless for use with respect to any stewards ruling, order by the horse racing commission or judicial hearing with regard to such facts. Closure of the hearing and confidentiality of the proceedings may be waived by the licensee, employee, or applicant. The board may issue a public ruling which complies with the confidentiality requirements of this section and WAC 260-34-100.

(4) Lacking a satisfactory explanation and documentation or upon the licensee, employee, or applicant agreeing with the test results, the board of stewards shall suspend the licensee, employee, or applicant until:

(a) A negative test can be submitted by that licensee, employee, or applicant and the results reviewed by the board of stewards; and

(b) The licensee, employee, or applicant is referred to an approved agency for a drug evaluation interview and completes the evaluation.

(i) If the evaluation concludes that the licensee, employee, or applicant is not addicted or habituated, and if the board of stewards determines that the licensee's, employee's, or applicant's condition is not detrimental to the best interests of racing, the licensee, employee, or applicant shall be allowed to participate in racing provided he or she agrees that further testing may be done as described in WAC 260-34-030.

(ii) If such drug evaluation concludes that the licensee, employee, or applicant is addicted or habituated, or the board of stewards determines that the licensee's, employee's, or applicant's condition is detrimental to the best interests of racing, the licensee, employee, or applicant shall not be allowed to participate in racing until such time as he or she can produce a negative test result and show official documentation that he or she has successfully completed a certified drug rehabilitation program approved by the board of stewards, in consultation with the executive secretary of the horse racing commission. The licensee, employee, or applicant must agree to further testing as described in WAC 260-34-030.

(5) For a second positive drug test in the calendar year, the licensee, employee, or applicant shall be suspended for the balance of the calendar year or one hundred twenty days, whichever is greater, and the person is required to complete a certified drug rehabilitation program approved by the board of stewards in consultation with the executive secretary of the horse racing commission before applying for a reinstatement of license. The licensee, employee, or applicant must agree to further testing as described in WAC 260-34-030.

(6) When any licensee, employee, or applicant has a history of more than two violations of WAC 260-34-020 or positive drug tests, the horse racing commission may, pursuant to a hearing conducted under chapter 260-08 WAC, declare such person detrimental to the best interests of racing and revoke that person's license or application. Reapplication shall not be permitted for such period of months or years as the commission determines is necessary to ensure the person's freedom from use of controlled substances and not until meeting the requirements of subsection (5) of this section.

[Statutory Authority: RCW 67.16.020. 03-05-071, § 260-34-090, filed 2/18/03, effective 3/21/03. Statutory Authority: RCW 67.16.040. 00-07-038, § 260-34-090, filed 3/6/00, effective 4/6/00. Statutory Authority: RCW 67.16.020 and 67.16.040. 89-13-006 (Order 89-02), § 260-34-090, filed 6/9/89; 88-09-033 (Order 88-02), § 260-34-090, filed 4/15/88.]

Chapter 260-48 WAC

MUTUELS

WAC

260-48-630	Closing of wagering in a race.
260-48-940	Head-to-head wagering

WAC 260-48-630 Closing of wagering in a race. (1) Coincident with the start of a live race, a commission representative shall close wagering for the race after which time no parimutuel tickets shall be sold for that race.

[(2)] Coincident with the start of any simulcast race, the association shall be responsible to ensure that wagering is closed for the race after which time no parimutuel tickets shall be sold for that race.

(3) The association shall maintain in good order an electrical or other system approved by the commission for locking of parimutuel machines.

[Statutory Authority: RCW 67.16.040. 03-07-057, § 260-48-630, filed 3/14/03, effective 4/14/03; 96-10-014, § 260-48-630, filed 4/19/96, effective 6/11/96.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 260-48-940 Head-to-head wagering (1) Head-to-head wagering requires the selection of the winning contestant in a designated contest or series of contests, in a competition between two or more equally matched betting interests, or based on the sportsmanship and/or skill of the jockeys and/or trainers, regardless of the official placing of the other betting interests in that contest or series of contests.

(2) The choice of which contestants from a contest shall participate in the head-to-head contest shall be made as follows:

(a) The association must obtain approval from the board of stewards for each head-to-head contest.

(b) The matching of contestants for the head-to-head contest shall be limited to contestant versus contestant, jockey versus jockey, and/or trainer versus trainer.

(c) The contestants chosen for the head-to-head wager shall be conspicuously identified in the official program.

(3) The net head-to-head pool shall be distributed to winning wagers in the following precedence, based on the official order of finish:

(a) As a single price pool to those whose selection finished first in a single head-to-head contest, or first in the greatest number of a series of head-to-head contests; but if there are no such wagers, then

(b) The head-to-head pool shall be refunded.

(4) If there is a dead heat in a contest involving two or more of the contestants in:

(a) A single-contest head-to-head pool, then the entire pool shall be refunded.

(b) One or more contests of a series, then all the contestants involved in the dead heat shall be considered winners and the net pool shall be distributed as a signal price pool, provided that;

(c) In a series of contests, if there is a dead heat in half or more of the contests then the head-to-head pool for those contests shall be refunded.

(5) If any head-to-head contest is canceled or declared no contest:

(a) In a single-contest head-to-head pool, the pool shall be refunded.

(b) In a series of contests, if half or more of the contests are canceled or declared no contest, then the head-to-head pool for those contests shall be refunded.

(6) If any contestant is scratched or declared a nonstarter in any head-to-head contest, then that contest shall be canceled.

(7) If all contestants fail to finish in a head-to-head contest, then that contest shall be canceled.

[Statutory Authority: RCW 67.16.020. 03-11-017, § 260-48-940, filed 5/12/03, effective 6/12/03.]

Chapter 260-70 WAC
CONTROLLED MEDICATION PROGRAM

WAC

260-70-610	Storage and shipment of split samples.
260-70-630	Threshold levels.
260-70-650	Furosemide.
260-70-660	Furosemide list.
260-70-700	Penalties relating to permitted medication.

WAC 260-70-610 Storage and shipment of split samples. (1) Split samples obtained in accordance with WAC 260-70-600, subsection 2b and 2c shall be secured and made available for further testing in accordance with the following procedures:

(a) A split sample shall be secured in the test barn under the same manner as the portion of the specimen acquired for shipment to a primary laboratory until such time as specimens are packed and secured for shipment to the primary laboratory. Split samples shall then be transferred to a freezer at a secure location approved by the commission.

(b) A freezer for storage of split samples shall be equipped with a lock. The lock shall be closed and locked so as to prevent access to the freezer at all times except as specifically provided by these rules.

(c) A freezer for storage of split samples shall be opened only for depositing or removing split samples, for inventory, or for checking the condition of samples.

(d) A log shall be maintained by the official veterinarian that shall be used each time a split sample freezer is opened to specify each person in attendance, the purpose for opening the freezer, identification of split samples deposited or removed, the date and time the freezer was opened, and the time the freezer was closed and to verify that the lock was secured prior to and after opening of the freezer.

(e) Any evidence of a malfunction of a split sample freezer or samples that are not in a frozen condition during storage shall be documented in the log and immediately reported to the stewards or a designated commission representative.

(2) A trainer or owner of a horse may request that a split sample corresponding to the portion of the specimen tested by the primary laboratory be sent to another laboratory approved by the commission. The request must be made in writing and delivered to the stewards not later than 48 hours after the trainer of the horse receives written notice of the findings of the primary laboratory. Any split sample so requested must be shipped within an additional 72 hours.

(3) The owner or trainer requesting testing of a split sample shall be responsible for the cost of shipping and testing. Failure of the owner, trainer or designee to appear at the time and place designated by the official veterinarian shall constitute a waiver of all rights to split sample testing. Prior to shipment, the commission shall confirm the split sample laboratory's willingness to provide the testing requested, the laboratory's willingness to send results to both the person requesting the testing and the commission, and arrangements for payment satisfactory to the split sample laboratory. A split sample testing laboratory must be approved by the commission. The commission shall maintain a list of laboratories approved for testing of split samples.

(4) Prior to opening the split sample freezer, the commission shall provide a split sample chain of custody verification form that shall provide a place for recording the following information and such other information as the official veterinarian may require. The form shall be fully completed during the retrieval, packaging, and shipment of the split sample.

Split sample chain of custody form requirements:

(a) The date and time the sample is removed from the split sample freezer;

(b) The sample number;

(c) The address where the split sample is to be sent;

(d) The name of the carrier and the address where the sample is to be taken for shipment;

(e) Verification of retrieval of the split sample from the freezer;

(f) Verification of each specific step of the split sample packaging in accordance with the recommended procedure;

(g) Verification of the address of the split sample laboratory on the split sample package;

(h) Verification of the condition of the split sample package immediately prior to transfer of custody to the carrier; and

(i) The date and time custody of the sample is transferred to the carrier.

(5) A split sample shall be removed from the split sample freezer by a commission representative in the presence of the owner, trainer or designee.

(6) A commission representative shall pack the split sample for shipment in the presence of the owner, trainer or designee, in accordance with the packaging procedures recommended by the commission. A form shall be signed by both the owner's representative and the commission representative to confirm the packaging of the split sample. The exterior of the package shall be secured and identified with initialed tape, evidence tape or other means to prevent tampering with the package.

(7) The package containing the split sample shall be transported to the location where custody is transferred to the delivery carrier charged with delivery of the package to the commission approved laboratory selected by the owner or trainer.

(8) The owner, trainer or designee may inspect the package containing the split sample immediately prior to transfer to the delivery carrier to verify that the package is intact and has not been tampered with.

(9) The split sample chain of custody verification form shall be completed and signed by the representatives of the commission and the owner, trainer or designee. A commission representative shall keep the original and provide a copy for the owner, trainer or designee.

[Statutory Authority: RCW 67.16.020. 03-11-018, § 260-70-610, filed 5/12/03, effective 6/12/03. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-610, filed 4/17/96, effective 5/18/96.]

WAC 260-70-630 Threshold levels. The following quantitative medication levels are permissible in test samples up to the stated quantitative levels:

Procaine	25 ng/ml urine
Benzocaine	50 ng/ml urine
Mepivacaine	10 ng/ml urine
Lidocaine	50 ng/ml urine
Bupivacaine	5 ng/ml urine
Clenubuterol	5 ng/ml urine
Acepromazine	25 ng/ml urine
Promazine	25 ng/ml urine
Caffeine	100 ng/ml urine
Salicylates	750 ng/ml urine

The official urine test sample may not contain more than one of the above drug substances, including their metabolites or analogs, in an amount up to the specified level. Official blood test samples must not contain any of the drug substances listed in this rule, including their metabolites or analogs.

[Statutory Authority: RCW 67.16.020. 03-11-019, § 260-70-630, filed 5/12/03, effective 6/12/03. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-630, filed 4/17/96, effective 5/18/96.]

WAC 260-70-650 Furosemide. (1) Furosemide may be administered intravenously to a horse which is entered to compete in a race. Except under the instructions of the official veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a urine sample, furosemide shall be permitted only after the official veterinarian has placed the horse on the furosemide list.

(2) The use of furosemide shall be permitted under the following circumstances:

(a) Furosemide shall be administered on the grounds of the association, by a singular intravenous injection, prior to post time for the race for which the horse is entered.

(b) The furosemide dosage administered shall not exceed 500 mg.

(c) The trainer of the treated horse shall cause to be delivered to the official veterinarian or his/her designee no later than one hour prior to post time for the race for which the horse is entered the following information under oath on a form provided by the commission:

(i) The racetrack name, the date and time the furosemide was administered to the entered horse;

(ii) The dosage amount of furosemide administered to the entered horse; and

(iii) The printed name and signature of the attending licensed veterinarian who administered the furosemide.

(iv) The signature of the trainer or his/her representative.

(d) Failure to administer furosemide in accordance with these rules may result in the horse being scratched from the race by the stewards.

[Statutory Authority: RCW 67.16.020. 03-06-004, § 260-70-650, filed 2/20/03, effective 3/23/03. Statutory Authority: RCW 67.16.040. 02-10-102, § 260-70-650, filed 4/30/02, effective 5/31/02; 96-10-001, § 260-70-650, filed 4/17/96, effective 5/18/96.]

WAC 260-70-660 Furosemide list. (1)(a) The official veterinarian shall maintain a furosemide list of all horses eligible to race with furosemide. The list is a statewide list that applies only at Class A or Class B licensed associations and not at any other track.

(b) A horse is eligible to race with furosemide if the licensed trainer and/or veterinarian determine that it would be in the horse's best interests to race with furosemide. Notification using prescribed commission forms must be given to the commission representative, providing sufficient time to ensure public notification.

(c) If the commission so orders, horses placed on the furosemide list shall be placed in a pre-race detention stall, no later than four hours prior to the scheduled post time for any race in which it is entered to start, and with oral or written notification to the trainer may be watched by commission staff. The detention stall shall be the stall regularly assigned that horse for its customary stabling. Once placed in the detention stall, a horse must remain in it's barn or on its assigned hotwalker until it is taken to the receiving barn or to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the detention stall to engage in exercise blowouts or warm-up heats.

(2) The confirmation of a horse eligible to race with furosemide must be certified in writing by an official veterinarian and entered on the furosemide list. Copies of the certification shall be issued to the owner of the horse or the owner's designee upon request. A notice of a horse's furosemide certification shall be affixed to the horse's certificate of registration.

(3) Every horse eligible to race with furosemide, regardless of age, shall be placed on the furosemide list.

(4) A horse placed on the official furosemide list must remain on that list unless the licensed trainer and/or veterinarian submit(s) a written request to remove the horse from the list. The request must be on forms prescribed by the commission and must be submitted to the commission designee no late than time of entry. After a horse has been removed from the furosemide list, the horse may not be placed back on the list for a period of 30 calendar days unless determined to be detrimental to the welfare of the horse, in consultation with the commission designee.

(5) A horse which has been placed on a furosemide or bleeder list in another jurisdiction may be placed on the furosemide list in this jurisdiction.

(6) The specific gravity of post-race urine samples shall not be below 1.010. If the specific gravity of the post-race urine sample is determined to be below 1.010, quantitation of furosemide in serum shall then be performed, and concentrations above 100 nanograms of furosemide per milliliter of serum or plasma shall constitute a violation of WAC 260-70-700.

(7) A horse that has been administered furosemide that does not show a detectable concentration of the drug in the post-race serum, plasma or urine sample or it shall be considered in violation of these medication rules and subject to penalty as prescribed in this chapter.

[Statutory Authority: RCW 67.16.020. 03-06-004, § 260-70-660, filed 2/20/03, effective 3/23/03. Statutory Authority: RCW 67.16.040. 96-10-001, § 260-70-660, filed 4/17/96, effective 5/18/96.]

WAC 260-70-700 Penalties relating to permitted medication. (1) Should the laboratory analysis of urine or blood taken from a horse, show the presence of more than one approved nonsteroidal anti-inflammatory drug (NSAID) in violation of these rules or the presence of phenylbutazone or oxyphenbutazone, naproxen or meclofenamic acid in excess of the quantities authorized by the rules, the stewards or commission shall levy the following penalties against each person found responsible:

(a) For a first offense within a 365 day period, a fine of $300;

(b) For a second offense within a 365 day period, $750;

(c) For a third offense within a 365 day period, a fine of $1,000 with a 15 to 60 day suspension.

(2) Should the laboratory analysis of urine or blood taken from a horse show the presence of furosemide without permission from the official veterinarian, the stewards or commission shall treat the violation as a Class 5 offense.

(3) Detection of any unreported permitted medication, drug, or substance by the primary testing laboratory may be grounds for disciplinary action.

(4) As reported by the primary testing laboratory, failure of any test sample to show the presence of permitted medication, drug or substance when such permitted medication, drug or substance was required to be administered may be grounds for disciplinary action.

[Statutory Authority: RCW 67.16.020. 03-06-004, § 260-70-700, filed 2/20/03, effective 3/23/03. Statutory Authority: RCW 67.16.040. 00-07-042, § 260-70-700, filed 3/6/00, effective 4/6/00; 96-10-001, § 260-70-700, filed 4/17/96, effective 5/18/96.]

Chapter 260-72 WAC
COMMUNICATIONS TO AND FROM GROUNDS

WAC

260-72-010 Repealed.
260-72-040 Transmission of simulcast signal to account wagering facility.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

260-72-010 Communication systems, commission approval required—Closure during racing. [Statutory Authority: RCW 67.16.020, 67.16.040 and 67.16.075. 86-21-081 (Resolution No. 86-04), § 260-72-010, filed 10/16/86; Rules of racing, § 384, filed 4/21/61.] Repealed by 03-13-073, filed 6/13/03, effective 7/14/03. Statutory Authority: RCW 67.16.020.

WAC 260-72-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 260-72-040 Transmission of simulcast signal to account wagering facility. (1) A class 1 racing association may transmit simulcasts of live horse races conducted at its racetrack to an account wagering facility only in accordance with this section, RCW 67.16.200(4), and the interstate horse racing act, 15 U.S.C. Sections 3001 to 3007. In this section, "class 1 racing association" or "association" means the same as in RCW 67.16.200(7).

(2) In this section, "account wagering facility" or "facility" means a business, other than a racing association, that

(a) Facilitates parimutuel wagering on horse races it simulcasts;

(b) Is conducted outside the state of Washington; and

(c) Is licensed or otherwise permitted by law in the state in which it is located.

(3) To transmit a simulcast signal under this section, an association must file an application on a form provided by the commission at least fifteen days before the first simulcast race covered by the application. The executive secretary may approve a request to simulcast under this section, subject to

rescission of the approval by the commission within sixty days. The application must include at a minimum:

(a) A copy of the written contract or agreement between the class 1 association and the account wagering facility and an assurance that the commission will be notified of any other agreements between the association and the facility pertaining to this section, whether written or oral;

(b) Written approval from the horsemen's association representing the majority of owners and trainers racing at the class 1 racing association;

(c) Written approval from the appropriate regulatory authority in the state where the account wagering facility is located;

(d) A description of how the state where the facility is located regulates and monitors the account wagering facility for compliance with applicable law and for the protection of the public; and

(e) Dates of the live race meet for which the application is being made.

(4) The written agreement between the class 1 racing association and the account wagering facility must contain substantially the following terms:

(a) A specific description of the fee structure and fees to be paid to the association under the agreement;

(b) A provision requiring the facility to agree it shall not accept any wager that violates Washington law, including any wager originating in the state of Washington unless affirmatively permitted by Washington law;

(c) The executive secretary may require the association to submit additional information if he or she determines the additional information is necessary for the commission to effectively evaluate the application;

(d) Approval of an application under this section shall be in effect from the date of approval through the close of the live race meet for which the application is made, unless rescinded by the commission under subsection (3);

(e) The commission's approval of a specific application under this section is not binding on the commission as to any other application.

(5) In determining whether to approve an application under this section, the commission shall consider the following factors:

(a) The impacts on all Washington racing associations, Washington horsemen, and the Washington horse racing industry;

(b) Whether the commission deems the state compliance and monitoring efforts described in WAC 260-72-040 (3)(d) and contained in the application sufficient to ensure the integrity of all operations and financial transactions under the agreement; and

(c) Any other factor the commission identifies on the record as relevant to its approval.

(6) No class 1 racing association shall enter a written agreement under this section that is in violation of, or may be construed as waiving any provision of chapter 67.16 RCW, Title 260 WAC or any applicable federal, state or local law.

(7) Every class 1 racing association approved to transmit a simulcast signal under this section shall file with the commission a monthly statement showing amounts contributed to and balance in the purse fund and the breeders awards fund. This statement shall be filed with the commission no later than ten days after the end of each month.

[Statutory Authority: RCW 67.16.040. 03-07-058, § 260-72-040, filed 3/14/03, effective 4/14/03.]

Title 284 WAC

INSURANCE COMMISSIONER, OFFICE OF THE

Chapters

284-07	**Requirements as to company reports and annual statements.**
284-22	**USL&H assigned risk plan.**
284-24	**Rates.**
284-30	**Trade practices.**
284-43	**Health carriers and health plans.**
284-91	**Washington state health insurance pool.**

Chapter 284-07 WAC

REQUIREMENTS AS TO COMPANY REPORTS AND ANNUAL STATEMENTS

WAC

284-07-010 Special liability insurance report required annually.

WAC 284-07-010 Special liability insurance report required annually. (1) Pursuant to RCW 48.05.380, each insurer authorized to write property and casualty insurance in the state of Washington shall record and report its Washington state loss and expense experience and other data, as required by RCW 48.05.390, on a form issued by the commissioner.

(2) Each such insurer shall complete the form in accordance with the definitions and instructions provided by the commissioner.

(3) Each such insurer shall submit this report to the insurance commissioner annually. The report covering the period ending December 31 of each year must be submitted no later than May 1 of the following year.

(4) If an insurer has no data or experience to report, it is not required to submit a report.

(5) With respect to products liability data, the commissioner finds that comparable information is included in the annual statement required by RCW 48.05.250. Therefore, products liability data shall not be reported on the form required by this section.

[Statutory Authority: RCW 48.02.060, 48.05.380, and 48.30.390. 03-03-133 (Matter No. R 2002-09), § 284-07-010, filed 1/22/03, effective 2/22/03. Statutory Authority: RCW 48.02.060 and 48.05.390. 94-20-049, § 284-07-010, filed 9/29/94, effective 10/30/94. Statutory Authority: RCW 48.02.060 and 48.05.380. 89-02-016 (Order R 88-16), § 284-07-010, filed 12/28/88. Statutory Authority: RCW 48.05.380. 87-05-011 (Order R 87-2), § 284-07-010, filed 2/11/87.]

Chapter 284-22 WAC
USL&H ASSIGNED RISK PLAN

WAC

284-22-020 Purpose.
284-22-050 Definitions.
284-22-060 Participation.
284-22-080 Approval by commissioner.

WAC 284-22-020 Purpose. The purposes of the assigned risk plan are:

(1) To promote a strong and healthy maritime industry, within Washington state, by ensuring the continued availability of workers' compensation coverage required by the United States Longshore and Harbor Workers' Act and maritime employers' liability coverage incidental to such workers' compensation coverage for employers who are unable to purchase it through the normal insurance market.

(2) To provide a mechanism through which the net income or loss of the assigned risk plan is shared by authorized insurers writing primary or excess United States Longshore and Harbor Workers' insurance within Washington state and the Washington state industrial insurance fund.

[Statutory Authority: RCW 48.02.060 and 48.22.070. 03-03-052 (Matter No. R 2001-10), § 284-22-020, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 48.02.060. 93-20-019 (Order R 93-17), § 284-22-020, filed 9/24/93, effective 10/25/93. Statutory Authority: RCW 48.02.060 and 1992 c 209. 92-19-095 (Order R 92-12), § 284-22-020, filed 9/16/92, effective 10/17/92.]

WAC 284-22-050 Definitions. (1) "Administrator" means any organization designated by the assigned risk plan and approved by the commissioner to provide administrative support for the plan. Such support shall be defined by the governing committee in its operating plan. It may include, but is not limited to, acceptance, processing, and distribution of incoming applications to the servicing carrier(s), collection of and accounting for premium income, determination of assigned risk plan reserves, investment of assigned risk plan assets, collection of statistical data, actuarial assistance for rate making, development of policy contracts, and auditing the activities of servicing carrier(s) to ensure that the assigned risk plan's rules are being applied properly.

(2) "Applicant" means an employer, seeking coverage from the assigned risk plan, who has, in good faith, sought United States longshore and harbor workers' coverage from at least two of the authorized insurers writing such coverage in Washington and has been declined such coverage by all insurers from which it has sought coverage. "Applicant" does not include employers seeking coverage through the plan solely because of the lack of availability of maritime employers' liability coverage.

(3) "Authorized insurer" means any insurance company licensed to write workers' compensation insurance on a direct basis in this state.

(4) "Commissioner" means the commissioner of insurance of the state of Washington.

(5) "Governing committee" means the committee responsible for administering the assigned risk plan. It shall consist of thirteen members, who shall be appointed by the commissioner. The director of the department of labor and industries shall be one member. The remaining members shall be selected to insure equal representation of each of the following interest groups; authorized insurers writing primary or excess workers' compensation insurance, insurance producers, organized labor, and maritime employers.

(6) "Maritime employers' liability" means that liability imposed by 46 U.S.C. 688 (the Jones Act) and general maritime law for bodily injury including death of a master or member of the crew of any vessel.

(7) "Servicing carrier" means any authorized insurer designated by the assigned risk plan and approved by the commissioner and the United States Department of Labor to issue workers' compensation policies. It shall issue policies on behalf of the assigned risk plan, provide safety engineering, handle claims incurred by those covered by the assigned risk plan, provide premium audits, perform underwriting functions, and perform other duties as defined by the governing committee in its operating procedures.

(8) "State industrial insurance fund" means that entity defined in RCW 51.08.175 which provides primary workers' compensation insurance on a direct basis in this state.

(9) "United States longshore and harbor workers' compensation coverage" means that workers' compensation coverage required of employers by the United States Longshore and Harbor Workers' Compensation Act, 33 U.S.C. Secs. 901 through 950. It is hereinafter referred to as USL&H coverage.

(10) "Written premium" means gross direct premiums (excluding premiums on risks written ceded to the assigned risk plan), within the state of Washington, charged during the first preceding calendar year with respect to United States Longshore and Harbor Workers' insurance, less return premiums, dividends paid or credited to policyholders, or the unused or unabsorbed portions of premium deposits.

[Statutory Authority: RCW 48.02.060 and 48.22.070. 03-03-052 (Matter No. R 2001-10), § 284-22-050, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 48.02.060. 93-20-019 (Order R 93-17), § 284-22-050, filed 9/24/93, effective 10/25/93. Statutory Authority: RCW 48.02.060 and 1992 c 209. 92-19-095 (Order R 92-12), § 284-22-050, filed 9/16/92, effective 10/17/92.]

WAC 284-22-060 Participation. (1) Participation in the assigned risk plan is mandatory for all authorized insurers writing primary or excess United States Longshore and Harbor Workers' Act compensation insurance in Washington state, and for the state industrial insurance fund.

(2) Any assessments and distributions declared by the governing committee of the plan shall be allocated in accordance with RCW 48.22.070, fifty percent to the industrial insurance fund and fifty percent to the insurer participants as a group. Assessments and distributions shall be allocated amongst the eligible insurer participants according to their relative subject premium volumes as determined by the governing committee, subject to a reasonable de minimus premium threshold established by the governing committee for each assessment or distribution.

(3) For purposes of assessments and distributions, "subject premium" shall be for each authorized and eligible insurer its primary and excess written premiums for risks in the state of Washington covered under United States Longshore and Harbor Workers' Act compensation insurance, and maritime employer's liability insurance incidental to that workers' compensation insurance, for the relevant time periods as determined by the governing committee. If any insurer

fails to provide its subject premium data in an accurate and timely manner upon request by the plan, the governing committee may, in its sole discretion, substitute that insurer's direct written premiums for workers' compensation reported or reportable in its statutory annual statement as statutory page fourteen data for the state of Washington, or the governing committee may, in its sole discretion, substitute a zero amount for that insurer.

(4) Timing and amount of assessments and distributions shall be at the discretion of the governing committee, subject to the commissioner's approval. Assessments shall be based upon a demonstrable need to obtain additional funds to safeguard the operations of the plan in a financially sound and responsible manner, including, but not limited to, fully funding all of the plan's current and long term financial obligations. The governing committee may request approval for distributions to plan participants from time to time, of surpluses incurred which exceed amounts deemed necessary by the governing committee to safeguard the operations of the plan in a financially sound and responsible manner, including, but not limited to, fully funding all of the plan's current and long term financial obligations. Notwithstanding any prior distributions which may have been approved or directed by the commissioner, if the plan has been terminated by the legislature, then the plan shall be required to distribute, in accordance with RCW 48.22.070, any surplus of funds after payment or provision for payment of all of the plan's liabilities.

[Statutory Authority: RCW 48.02.060 and 48.22.070. 03-03-052 (Matter No. R 2001-10), § 284-22-060, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 48.02.060. 93-20-019 (Order R 93-17), § 284-22-060, filed 9/24/93, effective 10/25/93. Statutory Authority: RCW 48.02.060 and 1992 c 209. 92-19-095 (Order R 92-12), § 284-22-060, filed 9/16/92, effective 10/17/92.]

WAC 284-22-080 Approval by commissioner. (1) The commissioner shall approve the assigned risk plan's operating procedures if they provide for the fair, reasonable, and equitable administration of the assigned risk plan for all concerned.

(2) The commissioner shall approve rate and form filings made by the servicing carrier(s) on behalf of the plan using the same standards that would apply to an insurance program designed and filed with the commissioner by an authorized insurer.

(3) The commissioner shall approve the assigned risk plan's requests for interim and regular assessments, and requests for distributions from time to time, upon receipt of evidence that such assessments are necessary, or such distributions are prudent, and that such assessments or distributions ensure the plan's continued operation in a financially sound and responsible manner.

[Statutory Authority: RCW 48.02.060 and 48.22.070. 03-03-052 (Matter No. R 2001-10), § 284-22-080, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 48.02.060 and 1992 c 209. 92-19-095 (Order R 92-12), § 284-22-080, filed 9/16/92, effective 10/17/92.]

Chapter 284-24 WAC
RATES

WAC

284-24-120 Suspension of rate filing requirements—Large commercial accounts.

WAC 284-24-120 Suspension of rate filing requirements—Large commercial accounts. (1) Under RCW 48.19.080, the rate filing requirements in chapter 48.19 RCW are suspended with respect to large commercial property casualty accounts.

(2) For purposes of this section, "large commercial property casualty account" means insurance coverage that:

(a) Involves the lines of property and casualty insurance defined in RCW 48.11.040, 48.11.050, 48.11.060, 48.11.070, and/or 48.11.080; and

(b) Is purchased by a business, not-for-profit organization, or public entity with enough insurance buying experience to negotiate with insurers in a largely unregulated environment and that meets any two of the following criteria:

(i) Annual premiums of one hundred thousand dollars or more, excluding workers compensation insurance issued by the department of labor and industries and types of insurance listed in subsection (6) of this section;

(ii) Net revenues or sales in excess of one hundred million dollars;

(iii) More than two hundred employees;

(iv) Net worth over fifty million dollars;

(v) Is a not-for-profit organization or public entity with an annual budget or assets of at least forty-five million dollars;

(vi) Is a municipality with a population over fifty thousand.

(3) Before an insurer issues coverage in reliance on this section, the insurer or its agent shall notify the insured in writing that the rates have not been and will not be filed for the commissioner's approval.

(4) Property rates used on large commercial property casualty accounts will not be audited by the Washington Insurance Examining Bureau under WAC 284-20-006.

(5) The commissioner retains the right and ability to examine the rates used on large commercial property casualty accounts to ascertain whether they meet the requirements of RCW 48.19.020 and other statutes. The insurer shall maintain records supporting the rating and premium determination of each policy issued in reliance on this section. These records shall be retained by the insurer for a minimum of three years and made available at all reasonable times for the commissioner's examination.

(6) Subsection (1) of this section does not apply to:

(a) Professional liability insurance, including medical malpractice insurance;

(b) Directors' and officers' liability insurance purchased by individuals;

(c) Motor vehicle service contract reimbursement insurance, as defined in RCW 48.96.010(4); and

(d) Master policies under which certificates of coverage are issued to individual consumers, households, businesses, or other organizations.

[Statutory Authority: RCW 48.02.060, 48.18.100(6), and 48.19.080. 04-01-175 (Matter No. R 2003-04), § 284-24-120, filed 12/23/03, effective 1/23/04. Statutory Authority: RCW 48.02.060, 48.18.100, 48.19.080. 02-02-068 (Order R 2001-09), § 284-24-120, filed 12/28/01, effective 12/31/01. Statutory Authority: RCW 48.02.060 and 48.19.080. 99-23-068 (Matter No. R 99-5), § 284-24-120, filed 11/15/99, effective 12/16/99.]

Chapter 284-30 WAC
TRADE PRACTICES

WAC

284-30-390	Regulation of settlements of insurance claims relating to vehicles.
284-30-3901	Definitions for settlement of vehicle claims.
284-30-3902	When my vehicle is repairable, what can I expect from the insurer?
284-30-3903	Can I get my vehicle repaired at a shop of my choice?
284-30-3904	Will my insurer pursue collection of my deductible?
284-30-3905	If my insurer collects my deductible back, will I recover the full amount of my deductible?
284-30-3906	If another party is responsible for my vehicle damage, can that party's insurer refuse to settle my vehicle damage and force me to use my own collision coverage?
284-30-3907	How can my insurer settle my vehicle total loss claim?
284-30-3908	Are there factors that may adjust my settlement?
284-30-3909	If my vehicle is determined to be a total loss, can I keep it?
284-30-3910	Can the insurer move my vehicle prior to settlement of the claim?
284-30-3911	What information must be included in the insurer's valuation report?
284-30-3912	What if I, as an insured, accept the settlement based on my insurer's valuation and cannot find a comparable vehicle within a reasonable distance of my vehicle's principally garaged area?
284-30-3913	What must the insurer do prior to the denial of storage and towing costs?
284-30-3914	When I am dealing with someone else's insurer, what are my rights regarding a rental vehicle?
284-30-3915	What if the other person's insurer offers a flat rental amount per day, week, or month?
284-30-3916	In a total loss situation, what happens if I have a loan or lease on my vehicle and the outstanding balance exceeds the actual cash value of my vehicle?

WAC 284-30-390 Regulation of settlements of insurance claims relating to vehicles. WAC 284-30-390 through 284-30-3916 are the standards for prompt, fair, and equitable settlements for insurance claims relating to vehicles.

[Statutory Authority: RCW 48.02.060, 48.30.010. 03-14-092 (Matter No. R 2002-06), § 284-30-390, filed 6/30/03, effective 10/1/03. Statutory Authority: RCW 48.02.060, 48.44.050 and 48.46.200. 87-09-071 (Order R 87-5), § 284-30-390, filed 4/21/87. Statutory Authority: RCW 48.02.060 (3)(a). 85-02-019 (Order R 84-8), § 284-30-390, filed 12/27/84. Statutory Authority: RCW 48.02.060 and 48.30.010. 78-08-082 (Order R 78-3), § 284-30-390, filed 7/27/78, effective 9/1/78.]

WAC 284-30-3901 Definitions for settlement of vehicle claims. In addition to the definitions in WAC 284-30-320, the following definitions apply to WAC 284-30-3901 through 284-30-3916.

(1) "Actual cash value" means the cost to you to replace your vehicle with a comparable vehicle.

(2) "Comparable vehicle" means a vehicle that is the same make and model, same or newer year, similar body style, similar options and mileage as your vehicle and in as good or better overall condition as established by current data. To achieve comparability, any deductions or additions for options, mileage or condition can only be made if they are itemized and appropriate in dollar amount. An insurer must consider information supplied by you when determining deductions or additions.

(3) "Current data" means data no older than ninety days from the date of loss.

(4) "Principally garaged" means the zip code where the vehicle is normally kept.

(5) "Settlement" means when the payment is actually made to you and/or your lien holder.

[Statutory Authority: RCW 48.02.060, 48.30.010. 03-14-092 (Matter No. R 2002-06), § 284-30-3901, filed 6/30/03, effective 10/1/03.]

WAC 284-30-3902 When my vehicle is repairable, what can I expect from the insurer? (1) The insurer must provide you a copy of the itemized estimate it is using as the basis for payment.

(2) Upon your request, the insurer must provide you names of repair shops within your principally garaged area that will satisfactorily complete the repairs for the estimated cost.

(3) The insurer cannot require you to travel unreasonably to:

(a) Obtain a repair estimate;

(b) Have the vehicle repaired at a specific repair shop; or

(c) Obtain a temporary rental or loaner vehicle.

(4) Deductions for betterment and depreciation may be taken only for parts normally subject to repair and replacement during the useful life of the insured motor vehicle. Deductions for betterment and depreciation are limited to the increase in the actual cash value of the vehicle caused by the replacement of the part, or the amount equal to the proportion that the expired life of the part to be repaired or replaced bears to the normal useful life of that part, whichever is less.

(5) Your insurer may elect to exercise its right, under the terms of your insurance contract, to repair your vehicle and designate a specific repair shop for your vehicle repairs. In this case, your insurer must restore your vehicle to its condition prior to the loss at no additional cost to you other than as stated in your policy.

[Statutory Authority: RCW 48.02.060, 48.30.010. 03-14-092 (Matter No. R 2002-06), § 284-30-3902, filed 6/30/03, effective 10/1/03.]

WAC 284-30-3903 Can I get my vehicle repaired at a shop of my choice? (1) The insurer must make a good faith effort to honor your request for repairs to be made in a specific repair shop and cannot arbitrarily deny your request.

(2) A denial of your request solely because of the repair shop's hourly rate is arbitrary if the rate does not result in a higher overall cost of repairs.

(3) If the overall cost of repairs cannot be agreed upon, the insurer will:

(a) Provide you with the names of reputable repair shops reasonably close to you that can satisfactorily complete the repairs for the amount of their estimate; and

(b) Make an appropriate notation in its claim file setting forth the reason it has rejected your request.

(4) If you choose to take your vehicle to a repair facility in which the overall cost for a satisfactory repair is higher than the insurer's estimate, you may be liable for any additional amount above their estimate.

[Statutory Authority: RCW 48.02.060, 48.30.010. 03-14-092 (Matter No. R 2002-06), § 284-30-3903, filed 6/30/03, effective 10/1/03.]

WAC 284-30-3904 Will my insurer pursue collection of my deductible? (1) Yes, if your insurer is pursuing collection of its interest, you may request they pursue collection of your deductible for you.

(2) Your insurer will inform you of its efforts relative to collection of your deductible.

[Statutory Authority: RCW 48.02.060, 48.30.010. 03-14-092 (Matter No. R 2002-06), § 284-30-3904, filed 6/30/03, effective 10/1/03.]

WAC 284-30-3905 If my insurer collects my deductible back, will I recover the full amount of my deductible? (1) At a minimum, recovery will be shared on a proportionate basis with your insurer.

(2) No deduction for expenses can be made from the deductible recovery unless an outside attorney is retained to collect such recovery, and then only for the pro rata share of the allocated loss adjustment expense.

[Statutory Authority: RCW 48.02.060, 48.30.010. 03-14-092 (Matter No. R 2002-06), § 284-30-3905, filed 6/30/03, effective 10/1/03.]

WAC 284-30-3906 If another party is responsible for my vehicle damage, can that party's insurer refuse to settle my vehicle damage and force me to use my own collision coverage? When liability and damages are reasonably clear, another party's insurer cannot recommend that you make a claim under your own collision coverage solely to avoid paying the claim.

[Statutory Authority: RCW 48.02.060, 48.30.010. 03-14-092 (Matter No. R 2002-06), § 284-30-3906, filed 6/30/03, effective 10/1/03.]

WAC 284-30-3907 How can my insurer settle my vehicle total loss claim? Your insurer can adjust and settle vehicle total losses by one of the following methods:

(1) Replacing your vehicle: Your insurer can settle your claim by offering to replace your vehicle with a comparable vehicle that is available for inspection within a reasonable distance from where your vehicle is principally garaged. Your insurer must advise you by phone or in writing of their settlement offer. This communication must be documented in the claim file. If it is a phone call, the documentation must include the date, time, and name of the person in your household they spoke with.

(2) Cash settlement: Your insurer can settle your claim by offering a cash settlement based on the actual cash value to purchase a comparable vehicle. Only vehicles identified as comparable may be used to arrive at the actual cash value. You can request a copy of the "valuation report" that notes the information used to determine the amount of the cash settlement. The offer of a cash settlement must use one of the following methods:

(a) The actual cash value of a comparable vehicle based on current data obtained from the principally garaged area. If a comparable vehicle cannot be found within the principally garaged area, the search area may be expanded only in increasing circles of twenty-five mile increments until a comparable vehicle is identified.

(b) Quotations for the actual cash value of a comparable vehicle obtained from two or more licensed dealers located within the principally garaged area. If two or more licensed dealers cannot be found within the principally garaged area, the search area may be expanded only in increasing circles of twenty-five mile increments until two or more quotes for comparable vehicles are obtained.

(c) The actual cash value of two or more comparable vehicles advertised for sale in the local media if the advertisements are no older than ninety days. The vehicle must be located within the principally garaged area. If two or more comparable vehicles cannot be found within the principally garaged area, the search area may be expanded only in increasing circles of twenty-five mile increments until two or more comparable vehicles are identified.

(d) Any source for determining statistically valid actual cash values within your vehicle's principally garaged area that meets all of the following criteria:

(i) The source must give primary consideration to the values of vehicles in the zip code where your vehicle was principally garaged.

(ii) The source's data base must produce values for at least eighty-five percent of all makes and models for a minimum of fifteen years taking into account the values of all major options for such vehicles.

(iii) The source must produce actual cash values based on current data available from the principally garaged area. If comparable vehicles cannot be found within the principally garaged area, the search area may be expanded until comparable vehicles are identified to assure statistical validity.

(iv) The source must rely upon the actual cash value of comparable vehicles that are currently available or were available in the market place within ninety days from the date of loss.

(v) Any adjustments for betterment or depreciation must be in compliance with WAC 284-30-3908.

(vi) The source must provide a list of the comparable vehicles used to determine the actual cash value. If more than thirty comparable vehicles are used, only thirty must be listed.

(e) When you and your insurer both agree, an evaluation that varies from the methods described in (a) through (d) of this subsection may be used. The determination of value must be supported by documentation. Your insurer must take reasonable steps to validate that the value so determined is accurate and representative of what the actual cash value would be of a comparable vehicle in the principally garaged area.

(f) Insurers remain responsible for the accuracy of evaluations based on outside sources used to establish actual cash values.

(3) Appraisal: If you and your insurer fail to agree on the actual cash value of your vehicle and your policy has an appraisal provision, you or your insurer may request that the appraisal provision of your policy be used as a method to resolve disputes concerning the actual cash value.

(4) Applicable taxes, license fees, and other fees incidental to transfer of evidence of ownership must be added to the actual cash value.

[Statutory Authority: RCW 48.02.060, 48.30.010. 03-14-092 (Matter No. R 2002-06), § 284-30-3907, filed 6/30/03, effective 10/1/03.]

WAC 284-30-3908 Are there factors that may adjust my settlement? Your settlement may be adjusted by one of the following methods:

(1) Deductions are allowable for prior unrepaired damage. The amount of deduction can be no greater than the decrease in actual cash value due to prior damage.

(2) When you retain your total loss vehicle, your insurer may deduct the salvage value from the actual cash value, including all applicable taxes and fees. At your request, the insurer must provide you with the name and address of a salvage dealer or dismantler who will purchase the salvage for the amount deducted with no additional charge. This option must be available for at least thirty days after receipt of the settlement. This option will not be available if, after settlement, the condition of the salvage has been changed.

(3) Any additions or deductions from the actual cash value must be measurable, discernible, itemized and specified as to dollar amounts.

[Statutory Authority: RCW 48.02.060, 48.30.010. 03-14-092 (Matter No. R 2002-06), § 284-30-3908, filed 6/30/03, effective 10/1/03.]

WAC 284-30-3909 If my vehicle is determined to be a total loss, can I keep it? (1) If your claim is being handled by another person's liability insurer, you may negotiate to keep your vehicle.

(2) If your claim is being handled under your insurance policy, it will depend on the terms and conditions in your policy.

[Statutory Authority: RCW 48.02.060, 48.30.010. 03-14-092 (Matter No. R 2002-06), § 284-30-3909, filed 6/30/03, effective 10/1/03.]

WAC 284-30-3910 Can the insurer move my vehicle prior to settlement of the claim? Yes, the insurer may move your vehicle with your consent. An insurer may seek to move your vehicle to eliminate additional storage costs. If you do not consent to move your vehicle, you may be held liable for those additional storage costs.

[Statutory Authority: RCW 48.02.060, 48.30.010. 03-14-092 (Matter No. R 2002-06), § 284-30-3910, filed 6/30/03, effective 10/1/03.]

WAC 284-30-3911 What information must be included in the insurer's valuation report? The valuation report must include:

(1) All information collected during the initial inspection that sets forth the condition, equipment, and mileage of your vehicle;

(2) All information that the insurer used to arrive at your actual cash value of the vehicle;

(3) A list of the comparable vehicles used by the insurer to arrive at the actual cash value. This list must include:

(a) The source of the information used;

(b) The date of the information;

(c) The seller's telephone number;

(d) The asking price;

(e) The sold price, if the sold price is available and verified;

(f) The location of each vehicle at the time of the valuation.

(g) When an insurer uses a source for determining statistically valid actual cash values meeting the requirements of WAC 284-30-3907 (2)(d), the insurer must give primary consideration to vehicles in the zip code where your vehicle was principally garaged. If more than thirty comparable vehicles are used, only thirty must be listed.

Any supplemental or ancillary information must be clearly identified with a separate heading. Any weighing of identified vehicles to arrive at an average must be documented and explained.

[Statutory Authority: RCW 48.02.060, 48.30.010. 03-14-092 (Matter No. R 2002-06), § 284-30-3911, filed 6/30/03, effective 10/1/03.]

WAC 284-30-3912 What if I, as an insured, accept the settlement based on my insurer's valuation and cannot find a comparable vehicle within a reasonable distance of my vehicle's principally garaged area? (1) When you accept the settlement, your insurer must provide you with written notice regarding reopening of your claim file.

(2) If you notify your insurer within thirty-five days of receipt of the settlement that you cannot purchase a comparable vehicle for the settlement amount and you located, but did not purchase a comparable vehicle that costs more than the settlement amount, your insurer must reopen your claim file and either:

(a) Locate a comparable vehicle that is currently available for the settlement amount;

(b) Pay you the difference between the settlement amount and the cost of the comparable vehicle or purchase the comparable vehicle for you; or

(c) If not previously utilized, conclude the loss settlement in the manner provided in the appraisal section of your insurance policy in force at the time of the loss.

(3) Your insurer is not required to reopen your claim file if:

(a) At the time of settlement, you were provided written notification of the availability and location of a specific and comparable vehicle that could have been purchased for the settlement amount; and

(b) You did not purchase the vehicle within three days of the receipt of the settlement.

[Statutory Authority: RCW 48.02.060 and 48.30.010. 04-01-176 (Matter No. R 2003-07), § 284-30-3912, filed 12/23/03, effective 1/23/04; 03-14-092 (Matter No. R 2002-06), § 284-30-3912, filed 6/30/03, effective 10/1/03.]

WAC 284-30-3913 What must the insurer do prior to the denial of storage and towing costs? The insurer must:

(1) Advise you by phone or in writing before they stop payment for storage of your vehicle. This communication must be documented in the claim file. If it is a phone call, the documentation must include the date, time, name of the person in your household they spoke with, and specifics of the conversation;

(2) Provide reasonable time, in no event greater than five business days, for you to remove your vehicle from storage before stopping payment; and

(3) Pay any and all reasonable towing charges unless otherwise provided in your policy. You may use any towing company unless the insurer provides you with the name of a specific towing company before your vehicle is towed.

[Statutory Authority: RCW 48.02.060, 48.30.010. 03-14-092 (Matter No. R 2002-06), § 284-30-3913, filed 6/30/03, effective 10/1/03.]

WAC 284-30-3914 When I am dealing with someone else's insurer, what are my rights regarding a rental vehicle? In vehicle property damage liability claims in which liability is reasonably clear, the insurer will negotiate the reasonable and necessary costs in direct proportion to the extent of its liability for the rental of another vehicle and may not require you to rent a vehicle to actually cover these costs.

[Statutory Authority: RCW 48.02.060, 48.30.010. 03-14-092 (Matter No. R 2002-06), § 284-30-3914, filed 6/30/03, effective 10/1/03.]

WAC 284-30-3915 What if the other person's insurer offers a flat rental amount per day, week, or month? When the insurer offers a flat rental amount per day, week, or month, they must disclose to you where you can obtain a vehicle for the amount of its payment.

[Statutory Authority: RCW 48.02.060, 48.30.010. 03-14-092 (Matter No. R 2002-06), § 284-30-3915, filed 6/30/03, effective 10/1/03.]

WAC 284-30-3916 In a total loss situation, what happens if I have a loan or lease on my vehicle and the outstanding balance exceeds the actual cash value of my vehicle? Unless you have purchased auto loan/lease gap coverage, you will be responsible for the difference between the actual cash value of your vehicle and the outstanding balance owing to the lessor or finance company if your vehicle is a total loss. For example, if your vehicle's actual cash value is $15,000 but you owe $20,000 to the lessor or finance company, you will be responsible for the extra $5,000. Your insurer is not required to pay the difference unless you have purchased specific coverage for it, subject to your policy's terms and conditions.

[Statutory Authority: RCW 48.02.060, 48.30.010. 03-14-092 (Matter No. R 2002-06), § 284-30-3916, filed 6/30/03, effective 10/1/03.]

Chapter 284-43 WAC
HEALTH CARRIERS AND HEALTH PLANS

WAC

284-43-220 Network reports—Format.
284-43-323 Pharmacy identification cards.

WAC 284-43-220 Network reports—Format. Each health carrier must file with the commissioner an access plan, Provider Network Form A, Network Enrollment Form B and Geographic Network Report.

(1) **Access plan.** A health carrier must describe each of its networks in an access plan as prescribed by WAC 284-43-210.

(2) **Provider Network Form A.** A carrier must file an electronic report of all participating providers by network. This report must contain all data items shown in Provider Network Form A prescribed by and available from the commissioner. Updated reports must be filed each month. Filing of this data satisfies the reporting requirements of RCW 48.44.080 and the requirements of RCW 48.46.030 relating to filing of notices that describes changes in the provider network.

(3) **Network Enrollment Form B.** By March 31, 2004, and every year thereafter, a carrier must prepare an electronic report showing the total number of covered persons who were entitled to health care services during each month of the year, excluding nonresidents. A separate report must be filed for each network by line of business. The report must contain all data items shown in and conform to the format of Network Enrollment Form B prescribed by and available from the commissioner.

(4) **Geographic Network Report.** By March 31st of every year, a carrier also must file an electronic or hard copy paper report meeting the standards below. The carrier must update the reports whenever a material change in the carrier's provider network occurs that significantly affects the ability of covered persons to access covered services. Each carrier must file for each network, using a network accessibility analysis system, such as GeoNetworks or any other similar system:

(a) A map showing the location of covered persons and primary care providers with a differentiation between single and multiple provider locations;

(b) An access table illustrating the relationship between primary care providers and covered persons as of December of each year by county, including at a minimum:

(i) Total number of covered persons;

(ii) Total number of primary care providers (or, if the plan is a Preferred Provider Organization style of managed care, the total number of contracted providers);

(iii) Number of covered persons meeting the carrier's self defined access standard;

(iv) Percentage of covered persons meeting the carrier's self defined access standard; and

(v) Average distance to at least one primary care provider for its covered persons; and

(c) An alphabetical list by county and city showing:

(i) Total number of covered persons;

(ii) Total number of primary care providers (or, if the plan is a Preferred Provider Organization style of managed care, the total number of contracted providers);

(iii) Total number of obstetric and women's health care providers;

(iv) Total number of specialists;

(v) Total number of nonphysician providers by license type;

(vi) Total number of hospitals; and

(vii) Total number of pharmacies.

(5) A carrier may vary the method of reporting required under subsection (4) of this section upon written request and subsequent written approval by the commissioner. In the request, the carrier must show that the carrier does not use or does not have easy access to electronic or data systems permitting the method of reporting required without incurring substantial costs.

(6) For purposes of this section:

(a) "Line of business" means either individual, small group or large group coverage;

(b) "Network" means the group of participating providers and facilities providing health care services to a particular line of business.

[Statutory Authority: RCW 48.02.060, 48.18.120, 48.20.450, 48.20.460, 48.43.515, 48.44.050, 48.46.030, 48.46.200, 48.42.100, 48.43.515, 48.46.030. 03-09-142 (Matter No. R 2003-01), § 284-43-220, filed 4/23/03, effective 5/24/03. Statutory Authority: RCW 48.02.060, 48.18.120, 48.20.450, 48.20.460, 48.30.010, 48.44.050, 48.46.030, 48.46.200. 00-04-034 (Matter No. R 99-2), § 284 -43-220, filed 1/24/00, effective 1/1/01. Statutory Authority: RCW 48.02.060, 48.20.450, 48.20.460, 48.30.010,

48.44.020, 48.44.050, 48.44.080, 48.46.030, 48.46.060(2), 48.46.200 and 48.46.243. 98-04-005 (Matter No. R 97-3), § 284-43-220, filed 1/22/98, effective 2/22/98.]

WAC 284-43-323 Pharmacy identification cards. (1) This rule outlines the minimum standards for prescription claims processing as directed by RCW 48.43.023.

(2) The pharmacy identification card or other technology must include the data element consistent with the "BIN number," "IIN/BIN number" or "RxBIN" which is the ANSI assigned international identification number, identified in the *National Council for Prescription Drug Programs (NCPDP) Pharmacy ID Card Implementation Guide.* Other data elements of the *NCPDP Guide* must be included on the card only if they are required for the processing of claims.

(3) This rule does not compel the issuance of a separate pharmacy identification card provided that the enrollee health plan identification card contains the required data elements.

(4) All plans that use a card or other technology for prescription claims processing that are delivered, issued for delivery or renewed on or after July 1, 2003, must comply with the requirements of this rule.

[Statutory Authority: RCW 48.02.060, 48.43.023, 48.44.050, 48.46.200. 03-07-006 (Matter No. R 2002-04), § 284-43-323, filed 3/6/03, effective 4/6/03.]

Chapter 284-91 WAC
WASHINGTON STATE HEALTH INSURANCE POOL

WAC

284-91-001 Plan of operation approved.
284-91-010 Repealed.
284-91-020 Repealed.
284-91-025 Repealed.
284-91-027 Repealed.
284-91-030 Repealed.
284-91-040 Repealed.
284-91-050 Repealed.
284-91-060 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

284-91-010 Board of directors. [Statutory Authority: RCW 48.02.060, 48.44.050 and 48.46.200. 88-11-010 (Order R 88-5), § 284-91-010, filed 5/10/88; 87-18-025 (Order R 87-9), § 284-91-010, filed 8/27/87.] Repealed by 03-07-007 (Matter No. R 2001-15), filed 3/6/03, effective 4/6/03. Statutory Authority: RCW 48.02.060, 48.41.040, 48.41.170, 48.44.050, and 48.46.020.

284-91-020 Organizational meeting, duties of board of directors. [Statutory Authority: RCW 48.02.060, 48.44.050 and 48.46.200. 88-11-010 (Order R 88-5), § 284-91-020, filed 5/10/88; 87-18-025 (Order R 87-9), § 284-91-020, filed 8/27/87.] Repealed by 03-07-007 (Matter No. R 2001-15), filed 3/6/03, effective 4/6/03. Statutory Authority: RCW 48.02.060, 48.41.040, 48.41.170, 48.44.050, and 48.46.020.

284-91-025 Plan of operation approved. [Statutory Authority: RCW 48.02.060 and 48.41.170. 91-16-052 (Order R 91-4), § 284-91-025, filed 8/1/91, effective 9/1/91. Statutory Authority: RCW 48.02.060. 88-08-010 (Order R 88-4), § 284-91-025, filed 3/25/88.] Repealed by 03-07-007 (Matter No. R 2001-15), filed 3/6/03, effective 4/6/03. Statutory Authority: RCW 48.02.060, 48.41.040, 48.41.170, 48.44.050, and 48.46.020.

284-91-027 Plan of operation. [Statutory Authority: RCW 48.02.060. 88-08-010 (Order R 88-4), § 284-91-027, filed 3/25/88.] Repealed by 03-07-007 (Matter No. R 2001-15), filed 3/6/03, effective 4/6/03. Statutory Authority: RCW 48.02.060, 48.41.040, 48.41.170, 48.44.050, and 48.46.020.

284-91-030 Duties of administrator. [Statutory Authority: RCW 48.02.060, 48.44.050 and 48.46.200. 87-18-025 (Order R 87-9), § 284-91-030, filed 8/27/87.] Repealed by 03-07-007 (Matter No. R 2001-15), filed 3/6/03, effective 4/6/03. Statutory Authority: RCW 48.02.060, 48.41.040, 48.41.170, 48.44.050, and 48.46.020.

284-91-040 Forms to be used by administrator. [Statutory Authority: RCW 48.02.060, 48.44.050 and 48.46.200. 87-18-025 (Order R 87-9), § 284-91-040, filed 8/27/87.] Repealed by 03-07-007 (Matter No. R 2001-15), filed 3/6/03, effective 4/6/03. Statutory Authority: RCW 48.02.060, 48.41.040, 48.41.170, 48.44.050, and 48.46.020.

284-91-050 Involuntary terminations for other than nonpayment of premiums. [Statutory Authority: RCW 48.02.060 and 48.41.170. 91-16-052 (Order R 91-4), § 284-91-050, filed 8/1/91, effective 9/1/91.] Repealed by 03-07-007 (Matter No. R 2001-15), filed 3/6/03, effective 4/6/03. Statutory Authority: RCW 48.02.060, 48.41.040, 48.41.170, 48.44.050, and 48.46.020.

284-91-060 Eligibility in counties without commercially available coverage equivalent to pool coverage. [Statutory Authority: RCW 48.02.060, 48.41.040, 48.41.170 and 48.41.100. 99-18-039 (Matter No. R 99-4), § 284-91-060, filed 8/25/99, effective 9/25/99.] Repealed by 03-07-007 (Matter No. R 2001-15), filed 3/6/03, effective 4/6/03. Statutory Authority: RCW 48.02.060, 48.41.040, 48.41.170, 48.44.050, and 48.46.020.

WAC 284-91-001 Plan of operation approved. Under RCW 48.41.040(4), the commissioner approves the plan of operation submitted by the board of directors of the Washington state health insurance pool (WSHIP). The plan of operation is composed of the following documents:

(1) Articles of organization approved by the WSHIP board on September 5, 2002, and amended by the insurance commissioner on March 4, 2003;

(2) Bylaws approved by the WSHIP board on September 5, 2002; and

(3) Operating rules approved by the WSHIP board on September 5, 2002.

[Statutory Authority: RCW 48.02.060, 48.41.040, 48.41.170, 48.44.050, and 48.46.020. 03-07-007 (Matter No. R 2001-15), § 284-91-001, filed 3/6/03, effective 4/6/03.]

WAC 284-91-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 284-91-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 284-91-025 Repealed. See Disposition Table at beginning of this chapter.

WAC 284-91-027 Repealed. See Disposition Table at beginning of this chapter.

WAC 284-91-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 284-91-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 284-91-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 284-91-060 Repealed. See Disposition Table at beginning of this chapter.